

Application Site and Surroundings

The site is a mainly disused and part demolished section of Harlow Town Centre, formerly in retail and commercial use. It is 1.64 hectares in area. Its extent is defined by Kitson Way and Joseph Rank House to the west, Market Square / Stone Cross, East Gate and the former Odeon theatre to the north, Broad Walk to the east and the Harvey Centre (with a pedestrian entrance) to the south. West Gate adjoins and then runs through the western part of the site into West Square / West Walk (mostly as adopted Public Highway). West Walk is the route into the northern entrance to the Harvey Centre (and provides the site of the listed statue of Elisabeth Frink to the east of No. 15 West Gate, but this is currently removed for repair and may eventually be relocated).

Details of the Proposal

The proposal is for a residential led, mixed use town centre development, as defined in the 'hybrid' (mix of full and outline application elements) application description above.

The application site is divided into parts, based on the building block structure (Blocks A, B1 (west end), B2 (east end), C1, C2, C3 (west to east). This is shown in the plan at Appendix 1. These subdivisions are referred to throughout this report. They also read across to Block definitions used in the existing permission the (wider) site (see 'Relevant Planning History' below).

Amendments and resubmission

The original application in April 2021 (outline application for 837 dwellings / up to 27 storeys) has been subject to substantial amendment. There was a re-submission and a new consultation in December 2021 (outline application for 678 dwellings / up to 24 storeys). The proposals were then further amended and consulted on in August 2022. This latest amendment is to change to a hybrid form of application (with the full element covering Blocks A and C1 and surrounding public realm - see below) and also to reduce the height of the two towers to 16 storeys (and consequently the dwellings to 578).

A summary (accurately prepared by the applicant) of the latest amendments (compared to the December 2021 proposals) is reproduced at Appendix 2.

All the amendments have resulted from the Council's feedback on earlier proposals. This feedback was informed by Essex Place (the Council's specialist urban design advisor) and complemented by direct advice to the applicant from the Harlow and Gilston Garden Town Quality Review Panel (HGGT QRP). Full details of the rationale for the amendments are in the applicant's updated Design and Access Statement (DAS) (Section 4) and Supporting Amendment and Response Statement.

The Assessment section of this report refers only to the application as finally amended in August 2022.

Hybrid form of application and implications

Hybrid planning permissions are a useful part of the planning 'toolbox'. The change from outline only to hybrid in this case is very welcome.

It is quite unusual to grant just outline permission for a major urban redevelopment of this kind, with its tall buildings. This is because so many of the decision issues depend on full understanding of design implications and appropriate control of detail (especially in respect

of scale, height, detailed appearance and the interface with the surrounding buildings and spaces).

This was a matter that featured in QRP advice to the applicant.

Good practice guidance from Historic England sums this up:

There have been many examples of tall buildings that have had a lasting adverse impact through being unsuitably located, poorly designed, inappropriately detailed and badly built and managed. (Para 1.2)

Outline applications are only likely to be justified in exceptional cases where the impact on the character and distinctiveness of local areas and on heritage assets can be assessed without knowing the detailed form and finishes of the building. This is likely to be rare. If an outline application is sought in these circumstances it is important to ensure that the parameters for development are derived from a thorough urban design analysis that clearly demonstrates impact. (Para 4.2)

The Council's consistent advice to the applicant has been that it prefers, and seeks, a full application as a basis for an acceptable permission (as for the existing permission on the site – see 'Relevant Planning History' below).

The applicant originally promoted an outline application only approach, justified by their need to retain design 'flexibility'. They said this was needed for a development that will be implemented in phases over a long time period, possibly by a number of developers, who may wish to design the sub-divisions of the scheme independently. That explanation was not entirely convincing. The suggestion of future freedom to design in detail has to be set against the planning objective of overall design coherence and quality. Also, there is always flexibility in the planning system to amend a full permission. This is illustrated by the approach the Council has taken to the Block D element of the wider Strawberry Star scheme (see 'Relevant Planning History' below). From the Council's perspective, it is always preferable to make amendments from a clear baseline of acceptability and quality in a past full permission, because that allows for clearer comparisons and greater public understanding. Another possible reason for the outline approach was the level investment in design required for a full application before there is a funding commitment to implementation. This is more understandable when a large scale and challenging scheme is being progressed.

Taking the above into account, it is helpful that the applicant has now addressed the Council's view by amending the application to a hybrid approach with a full application element for the tallest parts of the development. This is an appropriate compromise bearing in mind both the good practice advice above and the applicant's needs.

This conclusion is on the basis that there is now also sufficient supporting information on the outline elements of the application to enable the Council to define or limit essential aspects of the site layout, scale, height and massing and some urban design details. This information would be used to apply effective management at approval of Reserved Matters.

The whole development is defined in, and will be managed by, the Development Specification, Parameter Plans and a Design Code.

The full application parts of the proposal are for Blocks A and C1 which include the most prominent tall buildings (towers) and their adjoining public realm.

The outline application parts of the proposal are for Block B and C2 / 3.

The list below summarises the information provided to describe and control the overall form of development and the outline elements that will be finalised through Reserve Matters approvals.

Design and Access Statement (DAS)

- Design evolution and principles (shows design rationale and provides points of reference for design quality)
- Indicative / illustrative scheme for the outline elements (not an intended or guaranteed design outcome, but establishes a further benchmark for potential form and quality of reserved matters proposals and for this reason the DAS is treated as a potential approved document in any permission)

Development Specification (DS) The uses and floorspace quantified as maxima.

Parameter Plans (PPs)

Plot Boundary for Detailed Application
Principle Access and Circulation
Proposed Ground Levels and Podium
Public Realm Plan
Proposed Maximum Building Heights
Proposed Ground Floor Plot Maxima
Proposed Upper Floors Plot Maxima
Proposed Roof Plan Parameters
Allowable Land Use Frontage at Ground Floor
Allowable Land Use Frontage at Upper Floors

Design Code (DC)

The Code includes a series of design 'Rules, Explanations and Graphics'. The 'graphics' also support use of the parameter plans.

The Code relies on Development 'Block' definitions see above and Appendix 1 (to this report).

The content is very detailed. The main aspects only are generally indicated below:

(DC terms are in italics)

Street Network - Westgate maintained with link to West Square. New E/W pedestrian only street (boulevard)

Street Hierarchy - All public access routes are defined, plus secondary private routes for buildings

Public Transport and Vehicles Circulation - Managed / restricted service access only beyond West Gate

Pedestrian Access - East / West 'boulevard' created through the centre of the site

Cycle Access - West Gate / Square only

Service and Utilities - Delivery and Service Plan for managed vehicle access to boulevard

Waste collection - Strategy based on internal storage and designated collection points near controlled access route (above)

Car parking - Car free development with limited parking spaces for accessibility housing, and servicing, ultimately located in Block A and around Westgate only

Cycle parking - Resident storage provision principles and locations (access onto cycling areas or secondary frontages where possible) and visitor parking

Junction and crossing - Conflicting movements minimised / detailed design principles

Inclusive streets - Accessibility for all design principles established

Landscape - Principles established; to achieve a high level of public realm landscape quality, with significant tree planting

Maintenance and management - Stewardship principles (especially managed access, provision and maintenance of public realm and amenity space)

Crime prevention - By design and management principles

Layout strategy - Principles of streets and building blocks layout further specified, including key buildings (landmark prominence and legibility for entrance locations)

Zoning - Public / private access and use areas specified

Density and height - Approach to height massing / related to existing surrounding buildings; including location of greatest mass (away from NE / E). All shoulder and lower rise buildings set back to top storey (sunlight/ daylight to north)

Building heights - Specific height limits by height above OD. Storey heights estimated only and margins for roof level treatment

Setting out principles - Specific setting out / site layout and separation distances. Requirement to mitigate where separation distances are substandard (significant instances)

Types and forms - Block and building forms, mixing point and shoulder and perimeter blocks (defined as slab blocks)

Building typologies and internal distribution - Internal layout detail, providing entry and servicing arrangements, cores and corridors, possible levels of dual access dwellings and balcony provision

Buildings line and frontages use - Principles to follow and reinforce existing street network (West Gate; East gate Stone Cross / Market Square, Broad Walk). Active frontage uses and extent

Local Character General - Aspirations for the design feel of sub character areas

Design of buildings - Detailed approach and design principles for appearance. Coordinated palate of materials

Building by building (blocks) application of design principles - Further appearance principles including slenderness of towers and point and shoulder building ratios

Building by building application of opening strategy and types - Guidance only on approach to window design

Residential amenity - Guidance in the form of options matched to overall development specification and parameter plan limitations. Actions on mitigation of below standard separation and overlooking

Materials - Coordinated palates linked to local New Town history design cues

Alternative façade design - New Town history design cues applied

Sustainability design guidelines - Includes energy strategy (links to DAS and HGGT Sustainability Checklist)

The Code uses the principles set out to develop an indicative / illustrative scheme.

Initial Phasing Plan

Development would be sequenced as; Block B, Block C2/3, Block C1 and finally Block A. The development is expected to take about 10 years notionally as follows:

- Block D (already permitted) complete by Q2 2024
- Block B complete by Quarter 1 2026
- Block C2/3 complete by Quarter 1 2027
- Block C1 complete by Quarter 2 2028
- Block A complete by Quarter 1 2030

New and refurbished public realm would be opened up in related sections, but completed with Block A at the end of the development period. There would be some temporary ('meanwhile') uses including limited car parking on parts of the site during construction.

All this information is crucial in defining the outline part of the permission and for management of Reserved Matters submissions.

The conditions placed on any outline permission and some of the planning obligation commitments would require compliance with all or parts of the documents listed above.

The Parameters and Design Code offer good control on the outline part of the application. However, a distinction must be drawn between this control and the applicant's presentation of the indicative / illustrative scheme. That scheme is intended only to help the Council understand what the development could look like.

RELEVANT PLANNING HISTORY

Planning permissions / applications

Land At Harvey Centre (the application / site has become known as the 'Strawberry Star site' after the current landowner / developer)

HW/FUL/17/0097 Existing permission covering application site plus adjoining area known as Block D site	Demolition of the existing buildings and comprehensive re-development of the site to provide a mixed-use development (including 4 new buildings ranging from 3 to 16 storeys) comprising 447 residential units, circa 4,000 sqm of flexible retail floorspace, communal amenity space, a new pedestrian boulevard, car parking, cycle parking, with associated hard and soft landscaping, revised access and servicing arrangements.	Permitted	08/2018
HW/LDCE/21/00433	Certificate of Lawful Development Planning; Permission W/FUL/17/00097 (above) has been lawfully commenced	Approved	09/2021
HW/FUL/19/00291 Amended scheme for Block D section of the site	Demolition of existing building at 15 – 29 Westgate and redevelopment of the site to provide a mixed use development within a part 8 and part 12 storey building comprising 163 residential units, flexible commercial (Use Class A1-A5) floorspace, and ancillary communal amenity, car parking and cycle storage	Permitted	02/2020
HW/S106/22/00217 Block D; a deed of variation request	Removal of Schedule 3 (Car Parking) from S106 Agreement linked with planning permission HW/FUL/19/00291	Approved	08 / 2022
HW/S106/22/00394 Block D; a deed of variation request	Change from 'Discount Market Sale; to 'Discount Market Rent' housing provision or commuted payments in lieu of provision in S106 Planning Agreement linked with planning permission HW/FUL/19/00291, Block D	Under consideration	NA
HW/REMVA	Variation of Condition 18	Under	NA

R/22/00361	(Approved Plans) of planning application HW/FUL/19/00291 (under Section 73 of the Planning Acts) to reduce and reconfigure permitted ground floor commercial space to accommodate ancillary residential amenity space.	consideration	
Block D			

Nearby permissions are not listed here, but it is relevant to note that there have been recent permissions for sizeable and tall new apartment buildings in the northern Town Centre, close to this site (Wych Elm House 11 storeys - under construction, YWCA Hostel Site 13 storeys, North of Kitson Way 11 storeys). More details are provided in the applicant's DAS (Section 3.16)

There have also been several substantial conversions from former office uses to residential under permitted development rights in nearby parts of the Town Centre. Conversions / extensions of former office buildings are also not listed.

Both forms of development have contributed to changes in the use and character of the Centre, towards a mix of uses.

Existing Permissions on the wider Strawberry Star site (listed above)

The Council has accepted through the Certificate listed, that the existing whole Strawberry Star site permission (HW/FUL/17/00097) has been started and can therefore be fully implemented at any time. This creates an important 'baseline' or 'fall back' factor in assessment of the application subject to report.

Permission has also been granted for an amended Block D scheme (HW/FUL/19/00291). Block D is outside the site of the application subject to report but is now part of the 'baseline' for the whole site and taken as an 'assumed' adjoining building for the purposes of this report.

A summary (accurately compiled by the applicant) of the differences between the application and the existing permissions on the application site is reproduced at Appendix 3. Some plans and illustrations of the existing permissions are at Appendix 4. The descriptive block numbering / phasing designations A, B1/2, C1/2/3, D used by the applicant are generally consistent with those used in existing permissions. This assists in comparison between the existing permissions and the application proposals.

The whole Strawberry Star site is 1.79ha. The existing permissions are for mixed use development with housing as the major component (447 dwellings before the Block D further permission) and commercial units on the ground floor. This is a residential density of 249 dwellings per hectare – dph. The buildings permitted would be relatively tall in the current Town Centre context (16 storey maximum).

CONSULTATIONS

In relating the application 'Assessment' to consultee responses recorded below it is important to note that they include all responses, covering the original submission (OS), the first round of amendments (1st amendments) and the current iteration of the application

(Current) are set out below. Where responses have been updated to address amended proposals, this is indicated. Otherwise, responses will relate to the initial or initial amendment submissions and they may no longer be fully relevant to the current form of the application.

Internal / specialist advice to HDC

Environmental Health

OS

Before work commences a comprehensive and detailed construction and environmental management plans to incorporate all factors such as the achieved internal sound and ventilation limits for the new dwellings in the operational phase and final practical details of how noise and dust mitigation will be achieved during the construction phase (are required).

Arboricultural Officer

1st Amendments

The outline commitment to 90 trees to be planted, along with additional soft landscaping within the scheme will greatly enhance the balance between development and the natural environment. Details relating to the soft landscaping can be dealt with at the reserved matters stage, where it would be expected that clear and precise planting schemes are provided, along with the necessary maintenance plans. Ensuring the proposals are viable henceforth (is) key. Soft landscaping must be considered throughout the process of further consultation and development stages, so that it does not get forgotten or reduced to minimal amounts...

OS

The development has sufficiently considered the impacts to trees and green infrastructure. The outline loss of trees is minimal, and the trees do not give any overwhelming sense of character to the area. Balancing this against the potential of improved landscaping on site within the proposed outlined plans, which states to include many new street trees. The scheme will greatly improve the tree related benefits of this town centre area. There must be consideration for allowing trees to be planted in the scheme, which may require significant engineering solutions and increased soil volume/better quality soil in areas which have been historically built on. This would be expected at the reserved matter stages.

Therefore, the proposed development can be considered for consent, having satisfied arboricultural matters sufficiently at this stage of the planning process.

However, it will be necessary to ensure that the proposed development will be undertaken in full accordance with the fit-for-purpose Arboricultural Method Statement (AMS) that follows the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction. This therefore requires a performance condition be attached to the decision notice.

(Condition suggested)

Senior Landscape Officer

1st Amendments

The design and access statement notes the nearby green infrastructure as significant and offering recreational amenity, which is somewhat debatable, with the exception of the town park on the periphery of the inclusion areas. However, it does note without question that the immediate area to be lacking and in less the optimum condition.

The design proposal shows a significant and welcomed increase in amenity landscape provision, which considering the lack currently this is easily achieved. Regardless the focus of the design development should continue to consider optimising the opportunities for sustainable quality, usable green space whilst providing biodiversity as well as aesthetic value.

The inclusions of trees within the proposals are essential in integrating large buildings into the landscape and ensure there is a sense of scale and place. As the design develops the inclusion of trees should consider long term retention, proximity to buildings and windows to ensure there is a legacy of canopy cover, wildlife value. Clashes with services and other design constraints should not automatically be resolved by omitting trees from future plans and dilute the landscape amenity value opportunities.

Detail design in the public realm will need to consider sustainable maintenance practices and therefore suitable planting species to aid longevity as well as diversity. The plans are favourable and well developed so far. This standard and volume of soft landscape should be retained and not diluted throughout the process. Consistency with the wider town developments should assist with a coherent town centre development.

Landscape conditions should be robust and inclusive of standards set for the HGGT.

Strategic Housing Team

OS

Given that this is a scheme that is looking to build 837 residential units it is a huge disappointment that no affordable housing is being offered. Through the recently adopted Local Plan the Council has adopted a policy of aiming to deliver 30% affordable housing in all schemes over 10 units. This is in order to meet the town's high levels of affordable housing needs. The strongest need is for housing that Harlow residents on low incomes can afford. If this scheme was delivered according to the Local Plan policies it would deliver over 250 affordable housing units yet instead the scheme is to deliver no affordable housing at all.

{Officer Comment: The viability of the scheme is considered in detail in the assessment section of the report. The viability has been through independent review and this concludes that the scheme has significant viability issues. To ensure the delivery of the regeneration benefits of the scheme there is currently no surplus for aspects such as affordable housing.}

Essex Place Services; Historic Environment

OS

The application site is within the setting of a Grade II listed sculpture 'Portrait figure of Elisabeth Frink' (list entry: 1431426).

The Design and Access Statement states: There are 5 no. sculptures surrounding the site; one in West Square, one in Market Square, two on Broadwalk and one in front of the Harvey centre entrance at the south of the site. All sculptures sit outside of the site boundary (page 33).

The aforementioned heritage asset appears to be set within the application site. The Design and Access statement further notes: Improved contemporary setting of the sculpture by FE McWilliam that recognises its grade 2 listed status and construction to the Sculpture Trail

Further clarification is required to ensure that the listed sculpture will remain in situ as part of this proposal. If the sculpture is to remain in its existing location it is unlikely that the proposal will adversely impact the heritage asset.

The Harvey Centre scheme was conceived in the early 1970s with construction commencing in February 1979 forming part of Harlow's New Town development.

The application site is within the setting of the following heritage assets:

- Portrait figure of Elisabeth Frink, Grade II, (list entry: 1431426)
- Church of St Paul including attached bell tower, church hall, flat raised pavement and steps, Grade II, (list entry: 1392352)

Given the scale of the proposal it will also have an impact on heritage assets within the wider setting, particularly the Grade II registered Harlow Town Park and Garden (list entry: 1468217).

There is no in principle objection to the redevelopment of the site, the principle of demolition has been established in the previous approved scheme for the redevelopment of this site.

There are some concerns regarding the cumulative impact such redevelopment schemes would have on Harlow as a New Town development. The demolition of Harlow's New Town architecture may contribute to the dilution of the area's original appearance.

The previous permission would result in four new buildings ranging from three to sixteen storeys. The current application would comprise of four key buildings ranging in height from one to twenty-seven storeys. Given the scale of development, which is disproportionate to the existing scale of development within Harlow, the proposal would be visually prominent within the skyline of Harlow. Many views of the development will be somewhat screened by mature trees, however, the proposal would be apparent in views within the wider setting through diurnal and seasonal changes. The proposal would be particularly visible at night when light spill would emphasise the presence of development. Furthermore, tree screening is not guaranteed in perpetuity and thus the development is not guaranteed to benefit from the longevity of existing screening.

The proposed development would become a prominent landmark feature and would be visible from Harlow Town Park and Garden. The addition of a high-rise building of the proposed scale will inevitably have some impact on the setting of the Registered Park and Garden by introducing additional development into the tree lined views out of the park. The proposed development, with a maximum height of 27 storeys, would be considerably taller than existing development. View 9 demonstrates how the proposed development would encroach on the setting of the Park and Garden, as this is a view that is largely free of development with the open sky providing a backdrop to the Park and Garden. The park is a Town Park and so views of buildings and the urban surroundings are not incongruous, however, views that are free from development do contribute to the visual amenity and experience of the park as a verdant and peaceful space within Harlow. Views of existing development can largely be realised on higher ground and are not visible from lower or denser screened parts of the park. However, given the significant scale of development there is potential for it to be visible even within lower parts of Park and Garden.

The proposal would have an adverse impact on the setting of the Grade II listed Church of St Paul. The Church of St Paul was designed by Humphrys and Hurst. Constructed between 1957-9, it was one of the first buildings within the town centre and predates the Harvey Centre by twenty years. It was the main or 'mother church' within the Harlow New Town reflected in its high build costs and elaborate design. The flèche (spire) was preferred to a tower as a symbol for the church because of the proposed tall tower blocks nearby. The brick was also chosen to contrast with its surroundings, Portland stone and concrete being the predominant materials on surrounding buildings. It is considered to be the finest church by the architects who were specialists in ecclesiastical architecture and is also their last work.

As noted with the Townscape and Heritage Visual Assessment states: *As the 'mother church' for the new town and one of the first buildings to be erected in the centre, St Paul's Church is of both historic and communal significance. It is significant in its role as the first church to be built in a new town.* The church is therefore a notable landmark within the area and provides a focal point for the community as well as having national significance as the first church in a New Town.

Additionally, the CGI within the document demonstrates how the proposal would impinge on the immediate setting of the heritage asset. Currently, the spire of the church is visually prominent within the streetscape, reinforcing its significance as a major local landmark and presence within the streetscene. The proposed increase in height would result in a building that would be an overly dominant addition to the setting of Church of St Paul in views from College Square. Within College Square the skyline is free of high-rise development and the Church spire is a prominent feature. The proposal would dilute the scale of the spire, thus detracting from its significance as a local landmark. Furthermore, given the significance of the church as one of the first buildings to be erected in the centre and the first church in a New Town, the additional height of the proposal would undermine the pre-eminence and landmark quality of the Church of St Paul. The church spire forms a fundamental aspect of the design and function of the heritage asset as a 'mother-church', the proposal would visually compete with Church of St Paul detracting from our experience of the asset as prominent focal point.

The proposals would fail to preserve the special interest of the listed building through inappropriate development within its setting, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would also have an adverse impact on the setting of the Registered Park and Garden. With regards to the National Planning Policy Framework (2019), the level of harm to the significance of the aforementioned heritage assets is considered to be a low level of 'less than substantial' as per paragraph (194-5). 'Great weight' should be given to the heritage asset's conservation as per paragraph (199)

{Officer Comment: The statue of Elizabeth Fink has been removed to protect it during the construction of Building D. There is an intention for it to be relocated elsewhere in the town centre.}

Essex Place Services; Urban Design

Current

Essex Place Services welcomes the inclusion of a large area of the public realm within the detailed application. The emerging design of the public realm is considered to be positive with the use of landscaping, incidental play and movement space to frame and activate the ground floor uses

It is positive that the microclimate analysis is being used to inform the design of the public realm. We would welcome consideration of excessive heat and rainfall when designing the high usage spaces such as the play areas. Climate change presents an increase in hotter, wetter weather and therefore tree cover, location and use of SuDS will enable greater use of these features.

We welcome the inclusion of SuDS features within public realm proposals. With a town centre development there is an opportunity to incorporate hard SuDS into the public realm as well as tree pits, rain gardens and modular storage. The use of level changes could be designed to store water and contribute to the wider public realm strategy by providing interest. Level changes should also be considered for areas of seating.

We would welcome inclusion of informal exercise spaces for contemplation/yoga or smallscale exercise equipment such as benches or pullup bars, particularly within the rooftop gardens. This would enhance the health and wellbeing provision of the scheme.

It is positive that the living arrangements, floorplans and sunlight and daylight analysis is being used to inform the design of the building. We note that there will be some small changes to the architecture and fenestration detailing as this is incorporated in the design. The concept of 'corner living' is welcomed and introduce daylight and views to contribute to the quality of the living space.

We are pleased that the composition between the tower elements and shoulder buildings has been taken into account. This is particularly strong with Block C1 where the vertically of the tower is well balanced with the shoulder building which also introduces vertically with the use of framing. The design and materiality to Block C1 responds to the Harlow context with the use of a light material palette, use of verticality, framing on the facades and the use of a sky frame.

We note that the sky frame has been removed from Block A, which is disappointing and a missed opportunity. We are pleased that the option taken forward combines the harlequin pattern with framing to add a vertical element, following our concerns that this design approach did not accentuate the verticality of the building. The stepping of the building is positive with the introduction of dual aspect dwellings and the way the view towards the tower is framed by the slender elevation. Further design refinement is required to balance the new top of the building following the removal of the sky frame.

The use of darker materials at the upper storey adds weight to the building and we would welcome greater definition of the top of the building. The distance between the upper window and roof parapet appears squat and it may work better to differentiate the top storey from the other storeys by increasing the distance between the window and the roof frame or by adding a thicker parapet.

We would welcome further design refinement to the southern elevation of the Block A shoulder building. There is an imbalance between the use of three columns of balconies and the transition to the two columns of windows, which does not work as well as on Block C1. Consideration should be given to ways of integrating the transition between the two parts of the elevation, use of additional framing of variations in materiality may work well.

The removal of decked access is considered acceptable and the use of balconies on this elevation ensure that the elevation-maintained activity in use.

Some detail on the fenestration abutting the Harvey Centre has been included. We welcome the decision to reduce the outlook onto this elevation and position windows with views

looking away from the Harvey Centre. However, we would welcome further detail within the application to show how this would work in practice.

We are pleased with the direction that the application is taking and welcoming the inclusion of our previous comments with this iteration of the design.

1st Amendments

The form and appearance of high rise will ... be a weighted [weighty] consideration where these buildings will act as landmarks and their appearance will dictate the character and identity of Harlow going forward.

We very much encourage alternative approaches in architecture to these buildings ensuring they do not resemble past and even present standard approaches to high rise apartments.

There is inevitable harm to the setting of heritage assets; St Paul's Church and Town Park

the amended Design Code is somewhat unclear in its general application especially in respect of mandatory rules as opposed to explanation and also in some of its details. This affects potential to secure appropriate outcomes

OS

Layout

The outline application submitted keeps to the principles discussed where it is considered the arrangement, grain and proportions contribute positively to the development site but also respond well to the existing wider town centre. The shift in axis to the Garden Boulevard is positive allowing space for massing and height to be focused where the build form neighbouring the north and market square can then respond in a positive nature. The existing and potential future constraints with the transport corridor have been addressed well where there's potential this can be integrated seamlessly.

The approach to parking has given this site more flexibility in terms of layout and approach to public spaces...

Massing

We are supportive of sustainable high-density development in a town centre location. . previous concerns were around the lack of acknowledgement of what components need to be focused on to create a community where the development would have a very contained concentration of residents which in the past had little in bringing these people together and creating a community.

At outline it is hard to assess the extents and commitment this development currently portrays, previously it was suggested greater emphasis was on residential needs and not purely commercial aspects, this could include community hall/venue, commitment to focus leisure class use on the ground floor, childcare provision, and more generous private spaces for residential use. There are indications within the outline application there are overarching principles referencing this, but more could be focused within the DAS and Code to prioritise this or draw this more to the forefront of consideration.

Height we support higher density development should the infrastructure coincide with the approach. It is hard to ascertain at outline level but in principle we support the approach to height and the focus of where the building height should be concentrated. The town centre

can be prominent from many locations around Harlow where the inclusion of height will impact on these views as outlined within the study the form and appearance of high rise will also be a weighted [weighty] consideration where these buildings will act as landmarks and their appearance will dictate the character and identity of Harlow going forward. We very much encourage alternative approaches in architecture to these buildings ensuring they do not resemble past and even present standard approaches to high rise apartments. It is considered the application; in particular the DAS and Code could go further in promoting this approach. The suggested approach to design and architecture within the application begins to indicate a more bespoke and design led focus to the high rise. Creating capture within the code and application will be difficult at this stage where the application should go to further extents in recognising Harlow's character, not just its past but also the aspirations that the town will head towards (Harlow and Gilston Garden Town etc). Clear principle can be taken and how this is translated into high rise architecture will be important in defining the identity of the town centre and wider communities.

Building A has been part of ongoing discussions around its use and future flexibility. The options are seen as acceptable in principle. The conversion from car park to other class use is agreeable in principle but would be keen to see how this could be feasible. Examples of previous conversions have happened from unused car park spaces into alternative uses, whereas there is the risk this approach is more reactive to where we assume an assessment will be made in the future around the use of the car park and its future conversion. This holds risks in how and when this assessment is made and the associated risk where different residents will have different needs where this shift is continuous. Future clarity is required.

Landscape

The proposals are detailed and well considered for an outline application. It provides a very direct approach for how parcels will come forward in the future where the overall approach is acceptable in principle.

It is important that both the development site and wider town centre are approached in parallel to ensure consistency in approaches, giving the effect of a collective town centre redevelopment. There are indications in the documents submitted around proposals outside of the red line boundary. It would be important that the application and Design Code clearly outlines both applicants' approach and Harlow Councils approach in the consistency in design quality, including, drainage, materials, street furniture, soft landscaping, and management. This has been discussed in the past but would encourage the application and Code goes further in stipulating this.

The DAS details the approach to building phasing, but it would be worth considering the impact at ground level and how the public realm will be phased. Key routes and frontages would need to be prioritised where early activation of these routes will be important for the development.

Design Code

It is considered that the Design Code provides varying levels of detail for an outline stage application. We would consider that the Design Code for this outline application should be focused more to the overarching principles or site wide approach to the town centre development. Here, Area Codes or Building Codes could then be developed further to address the separate phases or reserved matter applications. This would provide a structure tiered approach where each Reserved Matter (RM) will need to address key site wide principles or shared principles (drainage, sustainability, public realm etc) where the building codes could then provide the focus in terms of some of the detail. We always promote Design Codes as design tools where they should only play part in addressing planning

concerns, splitting this approach will provide greater clarity and focus to the individual buildings or RM applications.

In principle the Code provides good focus in many of the wider factors associated with the site. Clear parameters are outlined giving a broad understanding of the approach. It is however considered many of the coding elements could stipulate more direct instructions, where a lot of the code is seen as too flexible around some of the core topics. For example, section 5.14 Materials provides indications of what could be done, materials selected from a coordinated material palette, but then does not follow this up with what the palette would be, only indicating potential suggestions. We suggest, even if the palette is of more overarching approach (brick, cladding etc) and colour this would go some way in providing this clarity. The Code could go further in addressing ratios of materials and potential glazing ratios, collectively responds to the context, rather than leaving this to chance to individual developers to coordinate.

Summary

Overall, it is considered many of our past comments and discussions have translated into the outline application. It is considered the application stipulates many of the key principles and parameters to deliver a high-quality development. We would however suggest that the application provides varying levels of details across the submission where we would suggest this is reviewed to provide a firm foundation from a site wide approach allowing the reserved matters applications and codes to address the more micro scale. We understand that some of the studies and approaches are important to demonstrate that the development is practical and deliverable.

The Design Code can be addressed in the same context as outlined above. The varying levels of information and detail provides greater emphasis on certain elements and not address the needs of others. We would suggest approaching the code from a macro through to a micro level. The Design Code as part of this application should address the site wide elements which a majority of the code does well but would like to see greater focus on the buildings in the form of more area codes or building codes. We would consider this would provide greater focus for future developers in understanding the shared approach of the town centre but also the individual needs for each phase as each one provides something different. We would not see this site wide Design Code having the strength to direct a collective design approach for the built form currently.

It was also noted that we would consider the Code to have a greater emphasis on sustainability and communities. Little or no reference to site wide and individual approaches to sustainability, nor any clarity on if and how there would be shared community benefits (access to amenity spaces, community uses like a community hall or resource). Will these uses be considered in the phasing etc.?

External Consultees

Historic England

OS

The site is not within a conservation area, but within the red line boundary is the grade II listed life-size bronze sculpture Portrait figure of Elisabeth Frink by F E McWilliam, which

dates from 1956 and was an early acquisition of the Harlow Art Trust. It appears to Historic England that the Frink statue would be retained in its current location. We are satisfied that the significance of the statue would not be harmed by the proposed development within its immediate setting.

These major redevelopment proposals will also affect the setting of the grade II listed St Paul's Church. We have concerns that the significance of the church would be harmed as a result of their impact within its setting, particularly when viewed from College Square.

The height and massing of the blocks to the east of the church would inevitably result in them being highly prominent against the skyline in views from the square and its environs and the slender spire of the listed church would no longer be the dominant feature in these views.

Harlow Civic Society

OS

Overall, we support the investment in this part of the Town Centre that this application will provide. We have concerns about some aspects of the proposals, in particular, the proposed heights of some of the buildings and how this development will fit in with an overall plan for the regeneration of the Town Centre as documented by the relatively recent Allies and Morrison report.

This part of the Town Centre is badly in need of regeneration. When delivered these proposals will provide investment and give a new approach to this area. We believe that a focus on food and beverage rather than retail is appropriate given the changes in shopping patterns and the increasing share taken by online sales.

Given the extensive consultation that is documented as part of this application and the statements made by the developers, we are hopeful that the architecture and design of the development will be of a high quality. We expect ongoing consultation and review to ensure that this will be the case.

All other buildings in and around the town centre are no more than around twelve stories in height. We understand that the highest building proposed in this application is twenty-six stories. We understand the argument for a landmark building with 360-degree visibility and appreciate the economic factors that have no doubt influenced this height. However, we believe that this is too high, being more than twice the height of any nearby building. We think that the maximum height of the new buildings should be less than 20 stories.

We welcome additional residential accommodation in the town centre and believe that the housing provided should be a mix of tenures, with at least 30% of affordable accommodation, including social rented.

Other areas of the town centre are also in need of investment and regeneration. There needs to be an overall plan of how this development will relate to and fit in with other improvements and changes. Given multiple ownerships this is of course challenging. We can foresee the risk of a sequence of demolition and piecemeal redevelopment of significant parts of the town centre, which we do not believe is desirable. This is exacerbated by the forthcoming changes to Permitted Development Rights. We believe that the approach given in the Allies and Morrison report remains appropriate.

We welcome that the application documents are rightly strong on Harlow's position in respect of public art. It is essential that the Harlow Art Trust is consulted both on the impact on existing sculptures either visually or physically, as well as the provision of new public art.

Strawberry Star have made public statements about their long-term commitment to Harlow and to ensuring that the development is completed to a high quality. This is welcome as it would be damaging if the development were not to be finished should the developer fail or have to withdraw.

ECC, Growth and Development Manager

Current

A Health Impact Assessment (HIA) is now provided this is welcomed, in line with local and wider policy & local validation list requirement. The Essex wide Joint Health & Wellbeing strategy is only referenced briefly in the submitted HIA and would require further review..... the latest, updated strategy version – for 2022 – 2026 has not been reviewed or referred to in the submitted HIA. The HIA also does not appear to refer to the Essex JSNA for 2019 and 2022 – as standard requirements within the evidence base, although the summarised health profile findings for Harlow that are quoted (from OHID) appear to generally align with local intelligence on Harlow population health characteristics.

On GI:

We look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:

- Local Planning Authorities (LPA) Green Infrastructure Strategy/ SPD or equivalent green and open space strategies provides further guidance on the LPA's Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area.
- Essex Green Infrastructure Strategy, 2020, aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the County Council's aspirations to improve GI and green spaces in our towns, city and villages, especially close to areas of deprivation.
- Essex Green Infrastructure Standards, 2021, aims to provide clear guidance on the requirements on both planning policy and planning application and processes. ECC GI position

Having reviewed the Open Space and GI Statement we have further comments:

- As this development has space constraints multifunctionality can be utilised to provide maximum benefit to the local community.
- Travel Infrastructure should give consideration to ensure that the most deprived areas, such as Toddbrook Ward, have equality in access to green spaces.
- Demonstrate how the recreational facilities deliver social inclusive play areas within the public realm. Provide finalised details about the play elements that are being provided and how these areas will improve well being of the local community.

- Spaces should be created to provide places for social gathering. These areas should be attractive to the local community and should incorporate different elements of GI such as grassland, planters and benches.
- Details about how existing green spaces will be enhanced to compensate for lack of available space directly available as part of this development. Enhancement of existing spaces can be used as a way to compensate for any limitations due to available space.

1st Amendments

For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. We can advise that a development of this size based on 678 flats of two-bedrooms or more can be expected to generate a need for 30.51 places.

The data shows insufficient full day care provision / free entitlement places to meet demand from this proposal. It is clear that additional provisions will therefore be needed and a project to expand provision and provide a new facility is proposed. Additional places would be provided at an estimated total cost of **£ 526,846.68** index linked to January 2020, which equates to £17,268.00 per place.

Primary & Secondary Education

The County Council is the Local Authority which has the statutory responsibility for education. It has a duty to ensure that there are sufficient school places to meet the needs of the population now and in the future. For this particular development, it is felt there is not sufficient evidence to make a robust case for a developer contribution. Therefore, a developer contribution towards primary and secondary education is not requested at this time.

Special Education Needs and Disabilities

ECC has a statutory responsibility to plan for and deliver special education needs and disabilities (SEND) facilities. The development will generate a need for some pupils who have SEND provision requirements. This proposal could generate a need for an additional 7 SEND primary and secondary pupils places. These places however, can be integrated within mainstream schools.

Post 16 provision (Further Education)

We can advise that a development of this size on the basis of 678 flats of two-bedroom or more can be expected to generate a need for 13.56 post-16 learner places. ECC therefore requests financial contributions of **£324,924.72** to mitigate its impact on post-16 learning provision. This equates to £23,962 per place as per the Developers' Guide 2020.

Libraries

ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

The suggested population increase brought about by the proposed development is expected to create additional usage of Harlow library. In accordance with the Essex County Council Developers' Guide to Infrastructure Contribution (Revised 2020), a developer contribution of **£52,748.40** is therefore considered necessary to improve, enhance and extend the facilities and services provided. This equates to £77.80 per unit based on a maximum 678 units.

Green infrastructure

(Detailed conditions and informatives suggested).

OS

ECC raises a holding objection to this application on flood risk and drainage grounds.

ECC is requesting financial contributions (index linked to Q1- 2020) to deliver infrastructure and services to support, and fully mitigate, the impact of this proposal on local residents, as per Essex Developers Guide to Infrastructure Contributions 2020. These financial contributions are vital to enable the delivery of key infrastructure (potentially) including:

- Additional EYCC capacity
- Additional primary and secondary school places
- Additional post-16 learner capacity
- Additional library provision
- Additional waste management capacity
- Additional Highway requirements

If sufficient contributions are not secured on behalf of ECC, then there is risk that the right infrastructure will not be delivered in the right place and at the right time to meet the needs of our residents. This can impact on the inclusivity and sustainability of the proposed development and the wellbeing of residents if they are unable to access appropriate local services and facilities when needed.

Alongside the requested financial contributions, we are also seeking/ recommending:

- Preparation of a Site Waste Management Plan
- Preparation of a Minerals Supply Audit
- Points and suggestions relating to Green Infrastructure provision
- Consideration of a net-zero emissions aim for the proposed development.

Planning and Viability

This proposal needs to be considered in-combination with the other development proposals that have been approved or are proposed within the town centre – recent planning applications approved/submitted alone as referenced by the applicant currently totals over 1500 dwellings. This figure does not include permitted development that also resulted in additional dwellings in the town centre such as at Terminus House and Westgate House. Taken all together, developments across the town centre result in significant residential growth, and the cumulative impact of substantial growth within the town centre needs to be carefully considered and ensured that appropriate proportionate approach to supporting

infrastructure requirements (either through physical provision or financial contributions) are secured.

In terms of flexible commercial space, there is a need (to ensure) that any commercial space proposed is suitably flexible in design to cater for differing business needs. In terms of quantum of commercial development, what is proposed as part of this application and as part of application HW/FUL/19/00290 for Block D is actually less flexible commercial space (total of 3390sqm) than the previous HW/FUL/17/00097 permission for the whole site (4000 sqm). It is not entirely conclusive why at least 4000sqm of commercial space as secured by the previous permission cannot be delivered as part of the current submission in a town centre location. ...

Viability and Infrastructure Contributions

In terms of the Viability Assessment, some figures and findings has been redacted. We refer to Paragraph 58 which states that viability assessments, including standardised inputs, should be publicly available. In the Planning Statement, it is stated that there are “significant viability constraints” and no affordable housing is proposed, and an approach applied in the extant 2018 permission and 2020 permission for Block D should be used, which involved the insertion of an early and late review clause in the S106 agreement. In these S106 agreements, financial contributions were only payable if there was any surplus profit available after affordable housing had first been prioritised.

Securing sufficient financial contributions to mitigate the impact of a development is the responsibility of Harlow Council as the decision maker, ECC also has a vested interest in ensuring that the cost burden of delivering necessary infrastructure to support new development does not fall on our Essex residents...it is for Harlow Council as decision-maker to do a thorough and robust review of the viability assessment submitted, and Harlow will need to be satisfied that the scheme is acceptable when considering the overall planning balance. No financial contributions are proposed (subject to early and late review clauses), which could have a detrimental impact on local infrastructure, services and ultimately local residents. We fully appreciate, however, that an appropriate balance will need to be struck by Harlow Council in any negotiations between securing all types of infrastructure (including affordable housing) to support this proposed development and to deliver an inclusive, sustainable and healthy community in the long term.

Public Health and Wellbeing

The cumulative impacts of development in Harlow Town Centre needs to be considered including consideration of healthcare services and facilities and social care. Essex is also a site for the National Sport England Local Delivery Pilot in addressing increasing physical activity including via the environment. As such, application of the use of the Sport England Active Design principles would be welcomed within this development. Application of Sport England Active Design principles can be demonstrated via the completion of the Sport England ADP checklist.

Employment & Skills

ECC supports Harlow in requiring developers to prepare an ‘Employment and Skills Plan’ (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the ‘development phase’. ECC also supports Harlow in requiring landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the ‘end-use phase’.

Additionally, ECC encourages Harlow Council to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

Adult Social Care and Independent Living

As part of this proposed development, it needs to be ensured that housing and communities are accessible and inclusive over the life course and enable people to age with dignity in their homes.

In providing and advising on new housing, care and support to vulnerable people, ECC's overriding aim is to move as far as possible from an 'institutional care', whether in the form of acute or community hospitals, registered care or nursing homes, towards an approach based on 'care in the community' where people can live independently and with dignity in their own homes supported by the care they require.

From a general housing perspective if new homes are carefully considered in terms of space, accessibility and detail specification then they can play a major part in promoting and fostering independence, good health and sense of wellbeing for all residents, but particularly for those with care requirements. Therefore, flexible and adaptable homes to support the needs of an aging and changing population are preferable to those that are not. To that end we support the provision of all homes meeting at least Part M4(2) standards as proposed by the applicant and also encourage that a significant proportion of dwellings being wheelchair adaptable and/or accessible homes (Part M4(3) standard) as part of the overall housing offer at the site.

Digital Connectivity

In line with the objectives stated in the Government's Future Telecoms Infrastructure Review 2018, all new developments should include provision of future proofed internet access, ideally Fibre to the Premises.

Where this is possible, provision of fully operational 5G mobile connectivity may also be accepted as appropriate broadband coverage, if arrangements are made for all premises in the development to access this at affordable prices, comparable to a fixed-line fibre broadband service, and this access is fully available at the time of completion of the build. Plans for such an approach should be submitted for review by the Planning Authority.

Developers are expected to proactively contact a telecommunications network operator of their choice to plan for internet connectivity installation as part of the build process. Developers are expected to provide details of their plans to install internet connectivity as part of their planning applications.

Any new housing development over 30 homes is likely to be provided with full fibre internet access (FTTP) free of charge by the large network operators. For smaller developments the network operators may request a contribution to the build cost. Openreach and Virgin Media have New Sites teams where developments can be registered.

Other network operators are available and developers can work with them, but confirmation must be provided that fibre connections installed by alternative operators will be fully connected to the internet by appropriate backhaul links and broadband services will be available for customers to subscribe to at the time the development is complete....

Highways and Transportation

The proposal is not contrary to current National/Local highway and transportation policy and safety criteria.

The applicant has submitted a robust Transport Assessment (TA) that demonstrates, to the satisfaction of the Highway Authority, in terms of safety and capacity that the impact of the proposed development, on top of what has been previously consented, will result in a small but acceptable level of increase. As with the previous application there has been no allowance for a reduction of trips due to the implementation of the Travel Plan and other similar features, so the assessment is considered to be a robust worse-case scenario in terms of traffic generation. Consequently, the impact of the development on the highway network could not be considered as severe.

Whilst both development scenarios (Scenario A - 883 dwellings / 450 parking spaces & Scenario B - 1,000 dwellings / 50 parking spaces) are considered acceptable in terms of parking provision, given the location of the site and its position in terms of easy access to other modes of sustainable methods of travel, the Highway Authority would encourage the lesser amount of town centre parking be provided with the development.

The application also demonstrates to the satisfaction of the Highway Authority that it would not prohibit, or obstruct, the implementation of the Sustainable Transport Corridor (STC) through this location.

Consequently, the Highway Authority has concluded that both Scenario A & B will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

(Detailed Conditions and Informatives suggested).

Safeguarding Mineral Resources

The site is located within land which is designated as a Mineral Safeguarding Area (MSA) and therefore the application is initially subject to Policy S8 of the Essex Minerals Local Plan 2014 (MLP). However, at less than 5ha, the area of land associated with the proposed development that lies within an MSA for sand and gravel is less than the threshold upon which local resource safeguarding provisions are applied for this mineral. In any event, the site is heavily constrained and would not be suitable for mineral extraction and therefore it is concluded that development at this site is not unnecessarily sterilising minerals.

Safeguarding Minerals and Waste Infrastructure

The project area does not pass through a Mineral Consultation Area or Waste Consultation Area. As such, there is not considered to be any safeguarding issues with respect to existing, allocated or permitted minerals and waste infrastructure.

Mineral Supply Audit

The MWPA requests a Mineral Supply Audit to aid in demonstrating compliance with the notion of sustainable development, circular economy principles and the application of Policy S4 of the adopted Minerals Local Plan 2014 (MLP) which requires, inter-alia, 'The application of procurement policies which promote sustainable design and construction in proposed development'. The MLP further notes that 'All developers have the potential to reduce over ordering of construction materials and encourage more sustainable construction

practices through their own procurement practices.' A Minerals Supply Audit would feed into, or be considered alongside, a Site Waste Management Plan which accords with the MLP principle of 'Encouraging the re-use and recycling of construction, demolition and excavation wastes on-site' (MLP, Para 3.41) to provide a materials balance for major developments. There is currently no set scope for a Mineral Supply Audit, but the framework.... has been submitted to the authority previously and could be modified to suit the project in question. Some approaches have included the commitment to sustainable procurement practices as well as demonstrating how recycling and re-use targets will contribute to a reduction in primary aggregate demand.

Site Waste Management Plan

The application appears silent on the management of waste arising through construction and so therefore it is unknown how the proposal will accord with 'high standards of construction'. The Outline Energy and Sustainability Statement makes a reference to 'Wherever possible, local material will be sourced, and demolition materials will be reused (where feasible) which is welcome but no further detail is offered.

Paragraph 8 of the NPPF recognises the importance of "using natural resources prudently and minimising waste" to ensure the protection and enhancement of the natural environment and to achieve sustainable development. It also reiterates the need to mitigate and adapt to climate change and move towards a low carbon economy. An efficient and effective circular economy is important to achieving these objectives.

Policy S4 of the Minerals Local Plan (2014) advocates reducing the use of mineral resources through reusing and recycling minerals generated as a result of development / redevelopment. Not only does this reduce the need for mineral extraction, it also reduces the amount sent to landfill. Clause 4 specifically requires:

"The maximum possible recovery of minerals from construction, demolition and excavation wastes produced at development or redevelopment sites. This will be promoted by on-site re-use/ recycling, or if not environmentally acceptable to do so, through re-use/ recycling at other nearby aggregate recycling facilities in proximity to the site."

It is vitally important that the best use is made of available resources. This is clearly set out in the NPPF and relevant development plan documents. We would therefore recommend that, in lieu of these issues being addressed prior to a decision, conditions are attached to require the applicant to prepare an appropriately detailed waste management strategy through a Site Waste Management Plan.

A SWMP would be expected to:

- Present a site wide approach to address the key issues associated with sustainable management of waste, throughout the stages of site clearance, design, construction and operation,
- Establish strategic forecasts in relation to expected waste arisings for construction,
- Include waste reduction/recycling/diversion targets, and monitor against these,
- Advise on how materials are to be managed efficiently and disposed of legally during the construction phase of development, including their segregation and the identification of available capacity across an appropriate study area.

Waste Management

It is anticipated that this development will further increase service demand on Harlow Recycling Centre for Household Waste (RCHW). The average amount of waste generated per Essex household via the RCHW service only (i.e. not including kerbside collected waste) is 217kgs of per annum. It could therefore be expected, if the householder behaviour was typical of that seen across Essex, that the proposed maximum of 837 homes within this application would deliver c.181 tonnes of waste per annum into the RCHW service.

ECC can seek contributions from largescale developments (£120 per house and £90 per flat) to deliver improvements at Essex RCHWs or municipal waste treatment sites, as established in the Developers' Guide 2020. We therefore seek financial contributions through a Section 106 Agreement for this application site for £75330. This will help mitigate the impact on local waste management facilities as a result of this proposal, and contribute to its sustainable development over the longer term.

The developer contribution outlined above is a calculation only, and final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Flood Risk and Drainage Lead Local Flood Authority

Holding objection to the granting of planning permission based on the following:

- Insufficient treatment – All areas of the developable area should receive treatment in line with the CIRIA SuDS Simple Index Approach. While it is appreciated that pedestrian areas will be subject to lower levels of pollution risk, treatment should be provided for these areas in line with a low risk pollution index score.
- Reduction to discharge rates – While it has been demonstrated that 50% betterment on the brownfield rate is achievable it should also be shown that the 1 in 1 year rates are not achievable before defaulting to minimum requirements. For example, this could be demonstrated by showing space requirements for storage at steps between the 1 in 1 and 50% betterment and comparing these with space available to locate these features.
- Incomplete drainage plans.

We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively.

In the event that more information has been supplied by the applicants then the ECC may be in a position to withdraw its objection to the proposal once it has considered the additional clarification/details that are required.....

Net Zero Carbon and Renewable Energy Generation

The UK is bound by the Climate Change Act 2008 to achieve net zero Green House Gas (GHG) emissions by 2050. This shift to net zero target from the previous target of 80% reductions on a 1990 baseline has brought into sharp focus the need to radically tackle GHGs across all sectors including the built environment. Essex County Council (ECC) has a commitment to formulate a Climate Action Plan to reduce carbon emissions across the county of Essex. In addition, ECC has inaugurated an independent, cross-party Essex Climate Change Commission with the purpose of:

- Identifying ways in which ECC can mitigate the effects of climate change, improve air quality, reduce waste across Essex and increase the amount of green infrastructure and

biodiversity in the County, explore transport modal shift, research energy generation and fully engage with communities around behavioural change

- Reducing the carbon footprint of both ECC and Essex as a whole – the Commission is expected to recommend an ambitious, but realistic target year, to have achieved net zero greenhouse gas emissions

The Climate emergency declared by Harlow District Council further emphasises the importance of decarbonisation.

The National Planning Policy Framework (NPPF) recognises the key role of the planning system in supporting the transition to a low carbon future in a changing climate, mitigating and adapting to the impacts of climate change; including minimising the impacts of new developments through reducing GHG emissions.

We welcome the proposals for an all-electric heating and hot water system and fabric first approach along with solar PV. We would welcome further details on the proportion of site's energy demand to be met through the proposed PV onsite. The integration of renewable energy systems into developments will increase the sustainability of homes, reduce pressure on fossil-fuels, and cut running costs, as well as aligning with national targets to be net zero by 2050. Projects would be expected to include ambitious sustainable energy infrastructure sufficient to meet a very significant proportion of the needs of the development. The Essex Design Guide states that "sustainable energy systems and supplies should be designed into the layout of developments and homes", [p41]. It also states that "consideration should be given to how smart infrastructure can be integrated into the communal areas, including waste disposal points, shared batteries for renewable energy sources etc", [p79]. The inclusion of renewable energy generation also provides an opportunity to align with the new Future Homes Standards to come into force in by 2025 with a 'fabric plus technology' approach.

Whilst we welcome the reduction of 63.4% CO₂ above the baseline, the aim should be net zero recognising that homes built now that do not reach this standard further add to the size of the challenge to be net zero by, at the latest, 2050.

Environment and Green Infrastructure (GI)

Where trees are proposed within areas of hard landscape of public realm, we would recommend that soil cell systems are proposed. These are load-bearing and are conducive to root growth, meaning they can be laid under parking and traffic areas, provide rooting volume and space for utilities if needed. They can also provide for flood management.

As part of the maintenance and management of trees, if guards are being used, it should be ensured all guards are checked and adjusted, repaired or replaced as necessary twice yearly in October and March. These guards should be plastic free biodegradable which would help to reduce the use of standard plastic.

It is recommended that amenity grassland (low biodiversity value) is replaced where possible by features with high biodiversity value (e.g., amenity grassland with bulbs/naturalised grassland and flowering lawns). Flowering lawns provide visual interest, improve biodiversity value, establish quickly and are easy to maintain long-term.

As part of the Maintenance and Management, seasonal mowing of the grassland will need to be considered based on the grassland and soil type to promote grassland diversity and increase invertebrate pollinators.

We welcome the ecology enhancements recommendations within the Ecology Appraisal and support the proposed biodiversity enhancements to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the NPPF. The ecology/ biodiversity enhancement measures, including the locations of all the proposed habitat enhancements, should be outlined within a Biodiversity Enhancement Strategy, and should be secured by a condition of any consent.

In relation to the proposal for street furniture, dual-purpose design should be considered. Street furniture in the public realm holds a multitude of significant values. For example, in town centres, bespoke street furniture is the ideal way to give people a sense of “place” and by adding planters or integrating seating structure around trees, this makes a communal area more appealing and visitor-friendly, while protecting the tree, enhancing biodiversity and providing flood management in an urban landscape.

GI will require sustainable management and maintenance if it is to provide benefits and services in the long term. The Design and Access Statement mentions that Estate Management Team will maintain the landscape areas and more detail is provided in the Design Code under the Management and Maintenance Chapter, which is welcomed. Documents such as the Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP)will help ensure appropriate tasks, mitigating measures and methods are in place to:

Protect the retained trees and hedgerows.....Schedule of advanced (phased) planting to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in subsequent phases as part of the Indicative Phasing strategy referred to within the Design and Access Statement.

Landscape management and maintenance plan and work schedule for a minimum of 10 years including how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development.

The inclusion of phased implementation within the CEMP of new GI and protection of retained vegetation during construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work. The LEMP will ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets. We would recommend these are submitted at the earliest opportunity of the planning process.

It is recommended that the development proposal explores and applies the Building with Nature standards and achieves an accreditation to highlight what ‘good’ looks like at each stage of the green infrastructure lifecycle and strengthen the development and demonstrate the development goes beyond the statutory minima, to create places that really deliver for people and wildlife. The Building with Nature Standards has been developed by practitioners and policy makers, academic experts and end-users, and has been tried and tested in multiple schemes from Cornwall to Scotland and is endorsed by Natural England, who is reviewing the current national green infrastructure standards.

Current

No comment; proposals outside remit.

Natural England

Current

The Zone of Influence (Zol) for the recreational disturbance impacts of new residential development upon the Hatfield Forest SSSI/NNR has recently been adjusted and the application site no longer falls within the defined Zol. Accordingly, the reference made to the requirement for mitigation no longer applies and Natural England has no comments to make on this application.

National Trust (NT) (Note: The NT is an interested party making representations rather than a consultee. Their comments are related to NE comments above)

The proposed development is approximately 12.2km from the Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR) areas and ancient woodland of Hatfield Forest which extends over 424 hectares, including Wall Wood and Woodside Green. The area has been owned and managed by the National Trust since 1924. Of greatest significance is that Hatfield Forest is the finest surviving example of a small Medieval Royal Hunting Forest. The Forest's ecological and historic importance is reflected in its designations - for its considerable ecological significance and especially for its veteran trees and old growth woodland on undisturbed soils.

The forest is experiencing rapid and unsustainable growth in visitor numbers which is putting it under considerable pressure and there are signs that the SSSI, NNR and other designated/protected features there are being damaged. In order to advance its understanding of these issues as well as an understanding of visitor numbers, origin and behaviour when visiting the Forest, the Trust, with support from Natural England (NE), commissioned consultants Footprint Ecology to undertake visitor surveys and prepare an impact management report to help build a practical strategy for the Forest going forward. This established a 'Zone of Influence' (ZOI), within which this site falls.

New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. The Footprint Ecology report describes the issues arising from recreational pressure in more detail and recommends the development of a strategy to mitigate these impacts in order that new development can meet planning policy requirements (including NPPF para.180). This issue is also acknowledged in para's 10.34-10.39 of the Harlow Local Plan (2020). Policy WE4 (Safeguarding Wildlife Sites Beyond the District Boundary) makes reference to the requirement for avoidance or mitigation measures in order to address recreational issues as a result of new development.

Accordingly, the National Trust, in consultation with Natural England, has prepared a Mitigation Strategy. This includes a costed package of mitigation measures. The National Trust and Natural England sent a joint letter in June 2021 to notify your Council of the Mitigation Strategy and included a copy of the document. The Strategy seeks a proportion of costs to be met through developer contributions, the rest would met by the National Trust.

Having regard to the evidence and in accordance with the above requirements it is considered that the impacts of the development on Hatfield Forest should be addressed. The proposal is for a very high-density development which would deliver a significant number of residential units. It is a town centre location with little opportunity to provide onsite public

open space. This will put pressure on existing open spaces within the town. Furthermore, these do not offer the same experiences as Hatfield Forest. The Forest offers a range of recreational activities, wildlife watching, family outings and photography. It also includes visitor infrastructure such as a café, toilet, shop and education building. This makes it vulnerable to current and future demand. It is considered that a development of this scale will increase recreational pressure on Hatfield Forest and it is therefore important that off-site mitigation is secured.

This reflects advice provided to you by Natural England. For the proposed development we consider the following mitigation would be appropriate:

- A financial contribution to the National Trust for use at Hatfield Forest, secured through a S106 Agreement.

The Hatfield Forest Mitigation Strategy includes a costed package of mitigation measures. Examples of priority works from the Strategy include veteran tree management, soil decompaction, ride side ditching, temporary ride closures.

1st Amendments:

The applicants have responded to Natural England's earlier letter in the submitted "Supporting Amendment and Response Statement". At paragraph 3.10 of this statement it is suggested that it is not clear how the development would cause damage to the Hatfield Forest SSSI/NNR as it will be largely car free; is a 12-16 mile drive from Hatfield Forest and now involves a reduced number of residential units.

Natural England's requirement for a bespoke mitigation package (as fully explained in the earlier letter) is a consequence of increasing concern about new residential development within a defined Zone of Influence (Zol) of Hatfield Forest and the related impact of increased recreational pressure upon its vulnerable ancient wood pasture-forests habitats.

OS

No objection - subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application has potential to damage or destroy the interest features for which Hatfield Forest Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR) has been notified.

Natural England is working alongside the National Trust in carrying out research into visitor patterns, impacts and mitigation measures to Hatfield Forest SSSI/NNR. To date, this work has included winter and summer visitor surveys and identified a Zone of Influence (Zol) of 14.6km which has been shared with your authority with the view of establishing a strategic solution for visitor impacts to the Forest.

On this basis, this application falls within the currently identified Zol for recreational impacts to Hatfield Forest SSSI, NNR, whereby new housing within this zone is predicted to generate impacts and therefore will be expected to contribute towards mitigation measures, such as a financial contribution.

Whilst we are working towards a strategic solution, Natural England advises that for the purposes of addressing the interim situation, a bespoke mitigation package should be sought for this application, which we suggest is designed in consultation with the National Trust as site managers.

Thames Water

Current

Waste water

would not have any objection to the above planning application, based on the information provided. Some capacity exists within the foul water network to serve 425 dwellings but beyond that, upgrades to the waste water network will be required. Works are ongoing to understand this in more detail and as such Thames Water feel it would be prudent for an appropriately worded planning condition to be attached to any approval to ensure development does not outpace the delivery of essential infrastructure.

(standard conditions and Informatives suggested).

Affinity Water

Current

Water quality

The site is not located within an Environment Agency defined groundwater Source Protection Zone (SPZ) or close to our abstractions.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the site, then the appropriate monitoring and remediation methods will need to be undertaken. Any works involving excavations below the groundwater table (for example, piling or the implementation of a geothermal open/closed loop system) should be avoided. If these are necessary, a ground investigation should first be carried out to identify appropriate techniques and to avoid displacing any shallow contamination to a greater depth, which could impact the aquifer.

Water efficiency

Being within a water stressed area, we expect that the development includes water efficient fixtures and fittings. Additional measures such as rainwater harvesting and grey water recycling help the environment by reducing pressure for abstractions. They also minimise potable water use by reducing the amount of potable water used for washing, cleaning and watering gardens. This in turn reduces the carbon emissions associated with treating this water to a standard suitable for drinking and will help in our efforts to get emissions down in the borough.

Infrastructure connections and diversions

There are potentially water mains running through or near to the proposed development site.

(Standard advice / informatives suggested).

Essex County Fire & Rescue Services

Current

Access for Fire Service purposes is acceptable provided that the Arrangements are in accordance with the details contained in the Approved Document to Building Regulations B5, and the Essex Fire and Rescue Service Access Guidance document.

There are numerous existing statutory fire hydrants within the vicinity of the proposal. However, as it is anticipated that dry-rising fire mains will be incorporated into the building design, consideration will need to be given to ensure there is a fire hydrant within the required maximum 90 metre distance of a dry-riser inlet. It should also be noted that provisions should be made for a fire appliance to gain access to within 18 metres of any dry-riser inlets and they should be clearly visible to approaching fire crews.

(Standard advice / informatives suggested).

National Grid & Cadent Gas

OS

There is apparatus in the vicinity If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus.

(Standard advice / informatives suggested).

UK Power Networks

1st Amendments

The proposed development is in close proximity to a substation.

Standard advice / informatives suggested.

NHS West Essex Clinical Commissioning Group

OS

The proposed development is likely to have an impact on the services of 4 GP practices operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development. ...The development could generate approximately 2,009 residents and subsequently increase demand upon existing constrained services.

Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development

Premises	Weighted Size	List	NIA (m ²)	Capacity ³	Spare Capacity (NIA m ²)
Nuffield House Surgery	12,328		1,123.50	16,384	278.15
Addison House Surgery	19,915		910.89	13,284	-454.71
Sydenham House	3,464		248.52	3,624	10.99

Surgery				
Lister Medical Centre	19,257	1,264	18,433	-56.48
Total	54,964	3,546.91	51,725	-222.05

A developer contribution will be required to mitigate the impacts of this proposal. West Essex CCG calculates the level of contribution required, in this instance to be **£413,280**. Payment should be made before the development commences.

East of England Ambulance Service NHS Trust (EEAST)

1st Amendments

The proposed development is likely to have an impact on the Harlow emergency ambulance station within the vicinity of the application site. (The service) ... does not have capacity to accommodate the additional growth resulting from the proposed development to achieve nationally set blue light response times.

Details of response time deficiencies / service capacity need provided)...

EEAST would expect these impacts to be fully assessed and mitigated.

The capital required to create additional ambulance services to support the population arising from the proposed development is calculated to be £177,908.

Sport England

Current

The comments made by Sport England in the original response dated 3rd June 2021 remain broadly valid. However, to account for the reduction in the proposed number of dwellings, the estimate of demand for indoor sports provision generated by the development has been revised. The updated Sports Facility Calculator report for a population of 1,329 (578 dwellings at a typical residential occupancy ratio of 2.3 persons per dwelling) provides a revised estimate of the demand for indoor sports facilities and the capital costs of providing the additional facilities generated of £7,286 for Indoor Bowls, £249,475 for Sports Halls and £269,649 for Swimming Pools

It is acknowledged that the applicant has indicated in the 'Supplementary Amendment and Response Statement' that the viability assessment has shown that section 106 contributions cannot be viably committed to. The information provided in the responses on community sports facility need matters is non-statutory advice that the Council can use for informing its position on the approach to securing developer contributions. Sport England is not able to comment on viability considerations.

In addition, in the context of the comments made on Active Design considerations, Sport England welcomes the proposals for the communal private amenity space in blocks A and C1 as these would provide opportunities for informal physical activity.

Sport England's position on the application remains as set out in the original response dated 3rd June 2021 as supplemented by this response.

OS

Objection to the proposals for community sports facility provision to meet the needs of the proposed development. ...financial contributions(sought) ...towards off-site outdoor and indoor sports facility provision...it is requested that a condition is imposed requiring reserved matters applications to demonstrate how Active Design principles have been considered in the detailed design of the development.

.. additional population will generate additional demand for community sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating or exacerbating existing deficiencies in facility provision.

Outdoor Sports Provision

Given that this is a town centre regeneration scheme where a high density mixed use scheme is proposed it would not be considered practical or reasonable to consider on-site provision for outdoor sports facilities in view of their land take requirements. The preference would therefore be for outdoor sports provision to be made through financial contributions ... towards the provision or improvement of off-site projects elsewhere in Harlow. The action plan in the Council's Playing Pitch Strategy has identified potential projects which could be implemented on a number of existing sports facility sites in the local area and the delivery of such projects is considered by both Sport England and sports governing bodies to be a greater priority and more preferable than seeking to provide any new facilities on-site as part of the development. To inform off-site options, discussions should take place with Harlow Council, Sport England and the sports governing bodies and reference should also be made to the Council's Playing Pitch Strategy to inform how financial contributions should be used.

The Council's Open Space, Sport and Recreation SPD sets out an approach to calculating financial contributions towards playing fields which seek a rate of £157.50 per person for football/cricket and £20.50 per person for rugby. While it is understood that this represents the Council's adopted approach to securing contributions towards outdoor sports provision, the SPD is now dated (2007) and was based on a historical evidence base that has been superseded by the Playing Pitch Strategy and Built Facilities Strategy referred to above. Unless they have been updated or are index-linked, the financial contribution rates in the SPD would also be considered out-of-date. While no objection is made to using the contribution rates in the SPD, the Council should therefore give consideration to using the approach advocated in chapter 6 of the Playing Pitch Strategy as an alternative approach. In summary, an estimate of the demand generated for outdoor sports provision can be provided by Sport England's Playing Pitch Calculator strategic planning tool that supports the Council's Playing Pitch Strategy. Team data from the Council's Playing Pitch Strategy is applied to the Playing Pitch Calculator which can then assess the demand generated in pitch equivalents (and the associated costs of delivery) by the population generated in a new residential development. The data provided by the calculator outputs can be used as a starting point for informing the level of a financial contribution that could be secured through a section 106 agreement.

Indoor Sports Provision

As indoor sports facilities are strategic facilities that serve large populations and as the population generated by the proposed development in isolation would not be sufficient to justify the provision of a conventional facility on-site (see below Sports Facility Calculator figures), it is considered ... a financial contribution towards the provision or improvement of offsite facilities would be the most suitable form of provision on this occasion i.e. similar to the approach proposed above for outdoor sport. The Council's Built Facilities Strategy and discussions with Harlow Council should be used for informing projects that contribution could be used towards. A similar approach to that set out above for outdoor sports in relation to

identifying a contribution and the projects that the contribution would be used towards would be advocated.

Sport England's established Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types and was used for estimating future demand for indoor sports facilities as part of the Council's Built Facilities Strategy. The SFC indicates that a population of 1,674 in Harlow district will generate a demand for 0.12 sports halls (£307,945), 0.08 swimming pools (£330,246) and 0.02 indoor bowls centres (£39,516).

Active Design

- **Active Travel:** A key feature of the scheme is the inclusion of the option to locate the HTCAAP Sustainable Transport Corridor (STC) through the site, creating opportunities for active travel. The proposals feed into the wider Harlow network of STCs and should this location be selected, sustainable east-west connectivity will be created with proposals including a shared surface for cycle, walking and bus use. The proposals also consider alternative design options for the site if the STC does not come forward in this location. Further design infrastructure for active travel is included with the creation of a high quality public realm environment that improves connectivity, encourages pedestrian movement and creates active spaces at ground floor level. South-north connectivity is enhanced through the proposals for an urban linear park and a new east-west connection is created through the site in the form of a garden boulevard. Cycle storage facilities are proposed in all buildings although specific details are not provided at this stage. A residential travel plan details proposals for accessible secure cycle storage, and the sites integration within Harlow. Furthermore, it is positive to see a welcome pack to encourage activity promotion through information on sustainable travel options with cycle and walking maps. A commercial travel plan also details information for proposed sustainable transport options for commercial site users in a similar manner to the residential travel plan. Despite referencing Policy IN1 of the Harlow Local Development Plan (2020) there does not appear to be any detailed consideration for employee showers, lockers and maintenance points at this stage. This is a key component of encouraging employees to cycle/run/walk to work and therefore we would welcome further consideration at the reserved matters stage;
- **Amenity and Active Environments:** The proposals detail four different character areas in the public realm with design features that encourage and support physical activity that include rain gardens and spaces for socialisation and play. It is positive to see supporting features such as a range of seating options for those needing to take rest breaks and drinking water fountains. At the reserved matters stage, consideration should be given to the location of street furniture and landscaping to ensure that an uncluttered and legible public realm is created. Lighting strategies also encourage safe use of the public realm after dark. Informal activity and wider health and wellbeing benefits are also considered with social cohesion features such as community growing, play and social seating spaces provided. Private amenity space is also considered with 5-7 sq.m of private amenity space per dwelling provided with balconies and podium gardens. Small informal play areas, relaxations space and more multifunctional spaces for yoga are also proposed on the podium gardens. It would be good to see these amenity features integrated effectively and further enhancements to these spaces in terms of physical activity could include some small scale outdoor gym equipment at podium level. As the development proposals are refined in more detail at the reserved matter stage, consideration should be given to active buildings with measures like encouraging stair use and consideration of more formal activity spaces such as gyms and studios, and features that support active travel such as a bike maintenance hub could be included.

Additional features such as wayfinding signage could also mark key locations such as parks and public transport facilities to encourage active travel;

- General: The infrastructure appears to be in place in this conceptual proposal to support active lifestyles. However it would be good to see further refinement of the active design features discussed above as the development proposals are refined in more detail. Further consideration should also be given to the maintenance, management and promotion of active infrastructure to encourage residents to maximise use of these facilities.

Essex Police Designing Out Crime Officer

Current

Reiterates comments below.

... request urgent consultation regarding the project at your earliest convenience due to the potential impact on community cohesion. ... encouraged to note that the applicant is working towards the principles of SBD, however, it is strongly advised the applicant seeks to achieve an SBD award to fully receive the benefits of 'Crime Prevent Through Environmental Design' (CPTED) which will have a positive impact on future residents and users of the space. Phased Construction considerations If throughout the phased construction, designing out crime principles are deliberated at the earliest planning stages and a CPTED application carefully implemented throughout the design, this will ensure that security is a by-product of well thought out, inconspicuous crime prevention, minimising the need for future situational crime prevention measures. Considering the scale of the proposed phased development, Essex Police recommend that crime is deemed a material consideration throughout all aspects of the design and throughout the construction process.

Essex Police would request adoption of a collaborative partnership approach with the developer throughout the construction. Essex Police would request consideration of implementing a planning condition for the proposal to ensure security measures are considered.

..... recommend conditioning that the development achieves the applicable SBD Accreditation for all its components i.e. SBD Homes and Commercial award. For the home's requirement, Essex Police are keen for the developer to seek full accreditation to a minimum Silver Award. This is due to the developments size, location, the impact it will have on the Town Centre, night-time economy, public realm space and emergencies services.

Essex Police would like the opportunity to meet with the architect and or client to discuss the specific design details of Phases A and Phase C1 (inclusive of the public realm provision) to garner further understanding of the security standards proposed, access and egress provision, and management and maintenance of the following areas:

- Under croft parking provision
- CCTV design and supportive protocols
- Lighting provision
- Electrical charging points (inclusive of use and design)
- Proposed use industry approved Security Standards
- Postal deliveries and supportive policies
- Egress and access across the development and public realm spaces

OS

Essex Police recognise the level of complexity and challenges the existing town centre offers, but view this as an opportunity for Harlow Town Centre to thrive and become a vibrant location for people to want to live and visit; whilst achieving an ambitious long-term vision that delivers high quality and sustainable development.

Constructing well designed places, buildings and communities that promote both sustainable communities and health and wellbeing is an objective that the Essex Police DOCO widely supports; however, it is imperative that they must also be safe, secure, and accessible. This can similarly be evidenced within the Health Impact Assessment, as mitigating the opportunities for crime is not only about reducing and preventing injury and crime, but it is also about building strong, cohesive, vibrant, participatory community.

We acknowledge that throughout the Design and Access Statement and Design Code, that the plans embed Crime Prevention through Environmental Design (CPTED) principles and Design out Crime concepts. In addition, we welcome the inclusion of:

- A Crime Prevention Strategy and the application of Safer Places Concepts.
- Compartmentalisation throughout the development.
- Consideration of Emergency Service Provision access across the development.
- Recognition of Secured by Design concepts and
- A proposed management and landscape plan.....

(Additional advice and consultation requested, with informatives suggested).

1. That the actuality and perception of crime is considered throughout the design: Adopting the concept that crime is deemed as a “material consideration” throughout the design will ensure the health and wellbeing of residents and increase the overall sustainability of the development. This will ensure that the building design and specification decisions create both a healthy and safe environment that does not promote vulnerability.
2. Opportunity for liaison with the Designing out Crime Team at the earliest opportunity to discuss design specifics: Essex Police recommend essential engagement between the ‘Essex Police DOCO’ and developers to embody designing out crime and CPTED principles throughout. Appreciative of the current climate, we recommend essential engagement on the following matters:
 - The need to balance connectivity, natural surveillance, and territorialisation throughout the design, especially when designing the public right of way through the development into the Harvey Centre.
 - Design of the housing provision, embracing designing out crime techniques, target hardening and embedding appropriate industry physical security standards.
 - Adoption of good physical standards throughout, i.e. Doors, Windows, and Glazing Specification.
 - Ensuring a considered design and appropriate access is available for the back of house facilities such as refuge stores and post rooms.
 - Adopting risk commensurate measures to secure public realm areas inclusive of the effective use of landscaping. This will also embed the rooftop areas and the characters areas (i.e. where the use and purchase of alcohol is proposed).
 - Lighting considerations across the development.
 - Design of transportation facilities (vehicular, public transport and cycle parking) and the use of bollards / access control facilities. This will also enhance the proposed Emergency service access.

- Vehicle parking provision including cycle storage and ensuring they are future proof. This will be imperative should the plans for the multi-story parking provision be accepted within planning. Should this be the case, adoption of the British Parking Association, Park Mark standard should be considered.
 - Considering the proposed phasing of the development, a robust security regime will be fundamental to ensure the site does not encourage crime. Security plans and policies will be required for not only the site, but offices, mechanical plant, machinery, building supplies, tools, and other vehicles.
3. Mitigating risk through promoting a safe built environment: Encouraging healthy communities and places of work that are safe and accessible through the various Secured by Design (SBD) schemes ...

MAG London Stansted Airport Safeguarding Authority

Current

.....no objection subject to the Conditionsnot originally requested at the first consultation of this development because the aerodrome safeguarding area has since been amended.

1st Amendments

No objection. Informative on new procedures for crane and tall equipment notification requested.

Neighbours and Additional Publicity

Initial submission

The proposals were advertised, including with site notices.

The applicant undertook their own pre application engagement and post application publicity consultation. This is recorded, with results, in their Statement of Community Involvement and summarised in their Planning Statement.

Number of Letters Sent: approximately 270

Amended submissions

A full re-consultation was conducted on each amendment. The applicant also further undertook public and stakeholder engagement during the amendment process (again see Statement of Community Involvement / Planning Statement).

Number of Letters Sent (for each consultation): approximately 270

Total Number of Representations Received: 5 (parties)
Consultation expiry date: 04.10.22

Summary of Representations Received

Summary; edited on detail and presentational points.

Unless an update is indicated in the summary all representations relate to the initial application submission, not to the amendments.

Matt Dixon, Torkildsen Way, Harlow

Support..... The northern end of the town has been in decline for a number of years, and desperately needs investment. Looking at social media photos of the area from the 60s, it's clear to see that virtually nothing has changed over the numerous decades. It's now decrepit, unloved and stuck in the past, and that's the impression people get...by looking at this area - that no one cares. So why then should the general public care about the area? Why should people visit here? Why should businesses invest here?

The plans outlined here, whilst admittedly a tad excessive on residential units, go... a long way to reversing the decline and creating a new leisure destination in the town centre that people *will use*, despite the social media moaning. It's also worth noting the incorporation of a large amount of greenery will massively help break up the concrete monotony surrounding the site. Whilst also providing a much more pleasant environment to just sit and relax on a nice day, that I for one would use.

To reject this application is to effectively signal that it's not worth the time, effort and money to comprehensively redevelop any major sites in the northern end of the town. However, allowing this could help signal further private investment needed on the other sites, a useful solution to the problem of ownership and funds on the Council's part.

I encourage you to approve the plans, albeit with whatever amendments or further discussions you see fit, but just don't reject out of hand much needed investment to improve the town centre.

Rapleys; for Blackraven Developments Ltd and Serex Ltd. owners of the former Odeon Cinema, West Square, The gymnasium at Gate House West, Kitson Way and 3 car parking spaces off Kitson Way, Harlow.

(Only the most recent letter on the current amendments is detailed here as it updates objections made at each stage of application and amendments)

Most of the concerns we had have not been addressed.

Our clients own land adjoining the application site. Their ownerships comprise: The former Odeon Cinema, associated service yards and car parking spaces, the gymnasium at Gate House West, 3 car parking spaces off Kitson Way, Harlow.

.... we have particular concerns relating to:

1. Height, scale and massing
2. Application type
3. Permeability
4. Engagement
5. Access

Height, scale and massing: The applicant acknowledges the relevance of the Draft Masterplan Framework It is acknowledged that the previous planning permission for the

site (application reference: HW/FUL/17/00097) allows a range of building heights from 3 to 16 storeys. The applicant accepts ... that: “the assessment of the application must be on the basis of the maximum parameters stated...” The revised hybrid proposals involve the provision of a range of building heights. The maximum heights of the respective elements range from 7 to 16 storeys (NB maximum heights are given in metres in the Planning Statement whereas storey numbers are stated as being ‘indicative only’, one presumes therefore that the number of storeys indicated could increase were the application to be approved). This is a significant increase in height above the approved position for most buildings. Guidance note 5D of the SPD deals with appropriate building geometry, typologies and positioning. It states that proposals for schemes with a predominance of buildings of more than 3-4 storeys should demonstrate that building form, massing and typologies are appropriate to the Harlow context. It is noted that ‘Point Blocks’ should continue to be the prevalent form of tall building in the town centre. Typically, heights of 10 to 12 storeys are considered to represent a suitable massing for point blocks. However, more ambitious levels of up to 14 to 16 storeys might be appropriate subject to exemplary design. Development of a height of up to 16 storeys should therefore be the exception and not the rule, and is the upper limit of what can be considered acceptable. The surrounding context comprises mainly low rise buildings ranging in height between 3 to 5 storeys, with point blocks ranging in height between 8 to 13 storeys..... Due to their excessive height therefore, the proposals are:

- entirely out of scale and character with the surrounding built environment, and are therefore wholly inappropriate; and
- completely contrary to the SPD.

The applicant claims to have engaged extensively with the local planning authority and other consultees through the pre-application process and the application determination process. However, the value of that engagement must be questioned as the issue of excessive building heights is a recurring theme in the Council’s pre-application advice and both sets of QRP comments. It is hard to claim ‘engagement’ if comments have been ignored. What is the point of the process if key issues, such as excessive height, are not addressed? And how can proposals which fly in the face of the relevant guidance and ignore the comments of those who best understand this issue be approved?

Application type: The application has been amended to what has been described as a hybrid application. It reserves all matters with respect to Blocks B, C2 and C3 but provides details of Blocks A and C1 and their associated public realm. However, as far as we can ascertain, the application still does not provide details of access for any elements of the scheme, including Blocks A and C1. A hybrid application is so named because it is in essence a “full” application for part(s) of the scheme and an outline application for the other part(s). If it provides no details of access it is not a “full” application for any part(s) of the scheme. It is therefore simply an outline application with a matter or some matters reserved and not a hybrid application. On the above point, various of the scheme plans define the “Hybrid application boundary” and the “Detailed application boundary” (or “Element submitted in detail”). If our understanding is correct these plans and any associated documents referring to them are incorrect as details of access are not provided. This part of the site can’t therefore be part of a “detailed” or “full” application. More detail has been provided than for other parts of the site but the crucial details of access are missing. Notwithstanding the foregoing, both the Council’s pre-application advice and the QRP’s comments on the application express clear concerns about the previous “outline with all matters reserved” approach and these apply equally to the new, claimed hybrid approach. The pre-application advice states: “The previous, extant planning permission was submitted as a full planning application. Given that this scheme would be the most impactful scheme in the town centre since the Water Gardens scheme and that this scheme will set the base-line for other regeneration schemes in the Town Centre, the LPA would prefer that the ...

Scheme is submitted as a full application.” Considering the event that the applicant were to persevere with an outline application, as it has decided to do, the advice states: “It is recommended that access is included in the outline application for determination at this stage. ... While the latter is yet to be decided, access arrangements as an illustration in an outline approval would not provide sufficient assurance if only minimal details are provided.” It is therefore the case that the applicant has failed to heed the Council’s advice with respect to the need for a detailed application, and, similarly, at the very least, has failed to heed the Council’s specific advice with respect to the need for details of access.

The key elements of the QRPs comments on the matter of the application type are as follows:

- “ • The panel feels an outline application is inappropriate for this scheme, given the scale and density of development proposed, and its proximity to some of Harlow’s finest historic buildings.
- The panel recommends a full application to properly understand the impacts of the development, the unit layouts, the servicing strategy, the interrelation of the buildings, and the quality of the public realm. ...
- The panel points to future risks of an outline planning process. For example, a reduction in floor to ceiling heights of early phases could exceed the floorspace in the illustrative scheme”.

Paragraphs 2.17 – 2.24 of the Planning Statement seek to justify the outline application approach. Table 2.1 at Paragraph 2.19 purports to provide “Key considerations for an outline application in relation to the Harlow Quarter proposals”. Table 2.1 is in fact a list of reasons why the outline approach better suits the applicant from a commercial perspective than a detailed application. Persuasive as these may be, they miss the point; if an outline application (which includes hybrid applications) does not provide sufficient information or certainty to allow an accurate assessment of the impact it will cause, it cannot be determined other than by way of refusal. All of the engagement with the relevant parties to date points to this being the case, particularly in view of the fact that the maximum building heights proposed in the application are well in excess of what the context and policy/guidance suggests is acceptable. Had the applicant’s engagement with the local planning authority and QRP been meaningful engagement, the application would not have been amended to a hybrid application. Instead, full details of all aspects of the scheme would have been provided. The fact remains that even when assessing the revised proposals based on the maximum development parameters proposed, there is insufficient detail to determine their impact, and therefore to do anything other than refuse planning permission. The scheme proposes what would be the tallest building ever built in Harlow (3 storeys higher than the town’s current tallest building) and two buildings at the very maximum of the storey height guidance (which applies to all proposals, regardless of how exceptional or exemplary they are) as set out in the Council’s most up to date publication on the matter. Without full details of the scheme design it is impossible to assess the extent of its impact. Given the proposals’ significant incongruity with their context and the relevant guidance, exceptionally close scrutiny of the detail of their design would be necessary to even begin to determine whether the in-principle issue of their excessive height could be mitigated by its design. This is simply not possible while the application remains in hybrid form, and therefore while flexibility and uncertainty with respect to the scheme design remains.

Permeability: Despite permeability being an acknowledged and important urban design objective (as is implied at several places in the Design and Access Statement), by proposing Block A immediately adjacent to the boundary of the former Odeon cinema site to the north, the application scheme deprives the town and the local community of any future possibility of continuing ‘East Gate’ westwards to connect with Kitson Way. No link between East Gate and Kitson Way exists at present, meaning there is the potential to significantly improve the

permeability of the town centre by making this connection, and therefore to deliver a real public benefit. The advantage of the continuous east-west link that making this connection would create is clear from looking at the movement strategy illustration on page 68 of the revised Design and Access Statement (August 2022) and, even more so, the top left plan/image on page 69. The plan/image caption states "Continues E-W pedestrian connection". However, the reality is that it doesn't continue the connection. Unlike the north-south route through the site, the east-west routes are staggered (which is why there are three part-routes through or adjacent to the site rather than one continuous route). The opportunity to create a proper east-west route through the site could only be afforded by redesigning Block A. By increasing its separation from the northern boundary of the site a continuous east-west link from Kitson Way to Post Office Road could be created. The annotation to the top left plan/image on page 69 states: "The east-west route through the site opens up the scheme to the public for the first time to create a clear, well defined and legible public realm." However, the reality is that the proposals could do much better as far as opening up the site is concerned. They do not take the obvious opportunities to optimise permeability, to create new long distance vistas, and to create direct functional links, e.g. between the Linkway multi-storey car park and the town centre. In short, the form, scale and location of Block A means that the potential to capitalise on a once in a generation opportunity to strengthen and enhance Harlow's archetypal post war 'new town' town centre is lost if the application is approved in its current form.

Engagement with adjoining landowners: Despite the concern expressed in both of our previous letters about the applicant's lack of engagement with our clients in their capacity as adjoining landowners, still no attempt has been made by the applicant to engage with them. The lack of engagement is of particular relevance to our clients as they will be directly affected by what is proposed. Our client has a role in the planning process as both an interested party, and as entities that are affected by virtue of the proximity to their holdings to the site. Aside from purely planning issues, other issues that will require resolution between the parties, including rights and access, would benefit from active engagement. Whilst there is no specific obligation to engage with adjoining landowners, in the current circumstances there are clear benefits to doing so. The lack of engagement to date is contrary to the spirit of the NPPF which encourages effective engagement between applicants and 'other interests' throughout the design process (NPPF paragraph 126). Given the implications that our clients' rights could have for the development, and the development's potential to affect our clients' interests, it is surprising and disappointing that the applicant has not sought to engage of their own accord and, more pertinently, has disregarded our clients' attempts to engage with them. It is contended that our clients' rights with respect to land within the north-west corner of the application site and adjacent to it mean that aspects of the scheme are not deliverable in the form proposed. Meaningful engagement with our clients would establish exactly what the position was in this respect, so as to demonstrate whether or not the scheme is deliverable as proposed and therefore avoid, in the event the scheme were approved, deliverability issues and the need for subsequent amendments. Our client remains keen to engage with the applicant and would welcome any meaningful contact with them.

Access: Relating to the points above, there are a number of issues associated with the proposals for the north-west corner of the application site. Our clients' rights with respect to parking and access in this area lead us to believe that elements of the scheme in the vicinity of Block A are simply undeliverable. Had the application included full details of access (which the local planning authority suggested was the minimum feasible level of information for the application in its pre-application advice, notwithstanding its clear preference for a full application) it would be possible to determine the full extent of any conflict and therefore the deliverability of the proposals. As things stand, no one, including the highway authority, can determine whether what is proposed meets the necessary standards while observing certain contractual obligations, which are clear and cannot be overridden. While the planning

system operates independently of land ownership and rights there is little point determining the application as it stands when issues have been identified that may prevent the scheme being delivered as proposed. It would be a pointless exercise as amendments will only be required at a later date. Accordingly, we seek engagement with the local planning authority and the applicant on this matter without prejudice to the fact that it is clear that the application should not be approved in its current form for other fundamental reasons (set out elsewhere in this letter). The lack of consideration of our clients' properties is emphasised within the Design & Access Statement in which only one of the three that immediately flank the development site have been included in the surrounding context plan (see page 29). Within the Design & Access Statement we note the proposed widening of the access road immediately south of the former Odeon Cinema building and immediately north of Gate House West, which it appears the applicant proposes to widen and to use to serve Building A (see page 78). This widening will impact Gate House West significantly – the access and egress to the building for pedestrians will be severely compromised given that the main entrance is directly onto this road (which is proposed to be made wider by reducing the width of the already narrow pavement from which the building is accessed and egressed). The Principal Access and Circulation plan (drawing no. HTC-FLA -ZZ -ZZ -DR -A-05007) suggests that the existing access road will become the “main residential vehicular access & egress”. This, according to the drawing at least, is incorrect and misleading - it is the only residential vehicular access and egress. This means that it will serve all of the 578 units that have a car parking allocation. Given the size and specification of the access and the immediate highway network, and the absence of any detailed designs for the amendments proposed to the access, this is of real concern. There is nothing to indicate that what is proposed will meet the necessary technical and safety standards and therefore whether it will be acceptable to the highway authority. In any event, the widening of the road would be to the detriment of the current and future use of Gate House West. There also appears to have been little attention paid to the emergency escape routes in what will become a narrow, secluded alleyway from the adjoining former cinema site. In view of the necessary distinction between planning and land law matters, but while having regard to the fact that deliverability is a material consideration when determining planning applications (and in the interest of openness), we attach a letter from our clients detailing the ‘neighbourly matters’ issues relating to the north west corner of the site, and some related documents, so that you are able to make your own assessment of the deliverability of this area of the application scheme.

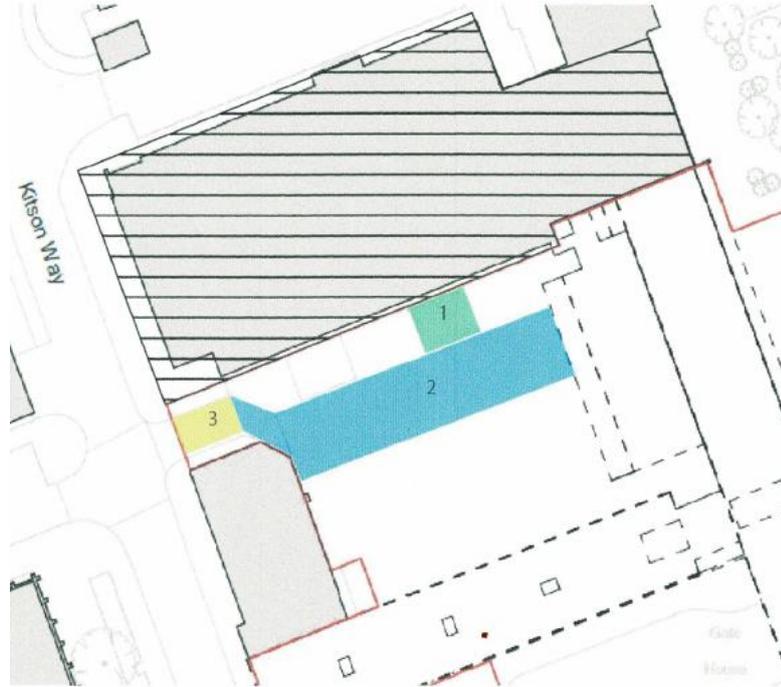
For all of the reasons set out above we object to the application scheme in its current form.

Bobby Ghadami, Blackraven Developments Ltd

...Strong objections. As an immediate neighbour to the site of the proposed development (Former Odeon Cinema, hatched black in attached plan),.. the development will have a negative impact on our ability to continue to operate.

- ... development does not take into consideration the access requirements of the existing fire escape highlight in green (1) on the attached plan. The ability of emergency vehicles to service the building would also be unacceptably diminished.
- development does not take into consideration the access requirements for servicing and delivery routes to the building highlighted blue (2) on the attached plan.
- “Building A” would have a detrimental impact upon residential amenities and have an overwhelmingly negative visual impact on future development of the area hatched black on the attached plan. Please note that preliminary plans for developing the site were with the Council before this outline application was submitted.

- Any additional parking greater than that which already exists and in greater concentration would create an unacceptably high level of noise and odour in the immediate surrounding.
- There is not sufficient width of land in the existing entrance to the car park, highlighted in yellow (3) on the attached plan, for the proposed two way traffic on and off Kitson Way.



February 2022; comments on amended application:

1. As leaseholder to the Property known as the “Former Odeon Cinema” Blackraven Developments Ltd has the right, ...to pass and repass, with or without vehicles, to and from the Property via the service yard which sits in the car park and adjoining land hatched green on the attached plan
2. ... Blackraven Developments Ltd has the right to uninterrupted access to car park spaces 35 and 36 for the use of parking a vehicle and emergency use in connection to the existing fire exit.
3. we are at liberty to use theservice yard ... as an escape route ...Any development or obstruction of the car park spaces 35 and 36 or access to them, and of the land included in the said service area would be contrary to the applicant’s legal obligations.
4.an additional clause that protects the rights of the leaseholder of the Property to have uninterrupted access to the Property in order to erect scaffolding on the wall ...the purposes of repair and/or redevelopment. Any development or obstruction within a reasonable distance of the flanking wall of the Property would be contrary to the applicant’s legal obligation.

... the application in its current form is totally undeliverable. ...if the application is approved and we are unable to enjoy our rights above or our planned redevelopment / repair of our properties is obstructed, we would be forced to seek legal remedy ...

September 2022; comments on amended application:

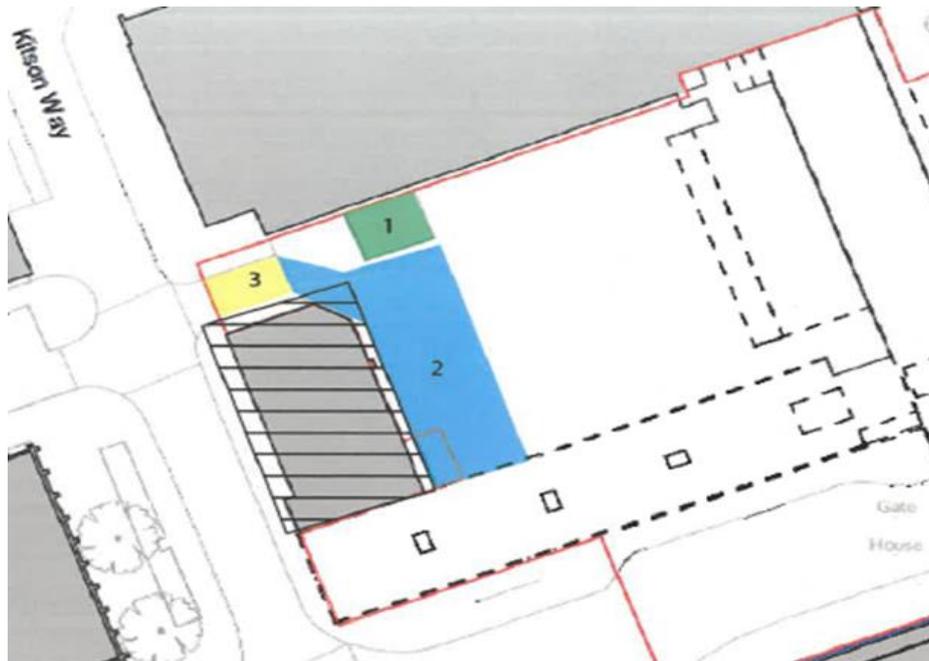
Reiterates and details points above.

It is apparent that the applicant has presented the service courtyard as no longer in operation and that Blackraven Developments as tenants of the former Odeon Cinema no longer has rights over it. This is a false statement The Deed of Variation referenced clearly shows that the area that has been removed from the service courtyard is limited to a small parcel of land to the south of the cinema and a strip of land immediately behind Gate House West. For context, this variation was agreed in order for us to extend Gate House west in the early 1990's. Similarly if the applicant wishes to build on any of the service courtyard then a Deed of Variation will need to be agreed with the tenant of the former Odeon cinema, Blackraven Developments Ltd. No such agreement exists and no approach has been made by the applicant to enter discussions into making any such agreement. Therefore, as it stands, this issue alone will mean that the application submitted is not deliverable. It should be noted that the issue of the service courtyard has been raised in multiple objections to the scheme but ignored by the applicant. (copy of Deed provided)

Joseph Ghadami, Seres Ltd., Kitson Way

...Strong objections. As an immediate neighbour to the site of the proposed development (our property hatched black in attached plan), we are of the view that the proposed development will have a negative impact on our property.....

- ...development does not take into consideration the access requirements of the car parks which we have exclusive use of, tinted green (1) on the attached plan...
 - The swept path analysis provided in the application clearly shows the proposed path across these spaces, rendering them unusable
 - The proposed architectural drawings show both options of "Building A" (residential and multi story) directly abutting these spaces, rendering them unusable
- development does not take into consideration the access requirements for servicing and delivery routes to the building highlighted blue (2) on the attached plan. The ability of emergency vehicles to service the building would also be unacceptably diminished.
- Any additional parking greater than that which already exists and in greater concentration would create an unacceptably high level of noise and odour in the immediate surroundings.
- There is not sufficient width of land in the existing entrance to the car park, highlighted in yellow (3) on the attached plan, for the proposed two way traffic on and off Kitson Way. Any obstruction to this area would infringe on our right to free and uninterrupted access to and from the car park.....



Joseph Ghadami, The Rows Harlow

Strongly object / will challenge ... on procedural unfairness, and irrationality through the courts.

The proposals are premature, lack important details and fail to consider many aspects which should have been included in the proposals of such an important and strategic site...

1 - The magnitude and importance of the application means that it meets Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and should have accompanied by a detailed Environmental Impact Assessment...

2 - Despite the feedback given by the Design Review Panel and request for further reviews, the officers did not insist on due process... we require the Council to demonstrate how the design quality and appropriateness will be considered...

3 - ... given the strategic importance and magnitude of the application, the application should have been required to be a detailed not an outline application, and we would like to understand why the officers chose to ignore the Design Review Panel recommendations ...to insist on a detailed application,

4 - The application proposes built elements to the boundary line in most cases which do not appropriately and comprehensively consider boundary relationships and prejudice potential future developments, particularly, the cinema site, shopping centre, and the Rows,

5 - The Computer Generated Images used in the Visual Impact Assessment are detailed but not representative of the Design Codes, the authority will have no mechanism to consider the true impact of the proposals until seeing the detailed design proposals and reduce the height and massing, if required, as the detailed design stage,

6 - The images included in the Visual Impact Assessment demonstrate clear and major harm to Harlow's silhouette which goes significantly beyond the benefits offered by the proposals,

7 - The application is well above the Council's dwelling per hectare guidelines and proposes a significant over development for the site - how can twice the amount of space and number of apartments be justified since the consented scheme ...

8 - The air quality report submitted in support of the application does not take into account the true impact of the development, during and after the construction....

9 - The applicant admits the significant daylight and sunlight reduction on the Rows, which is not acceptable and significantly outweighs the benefits of the development.

10 - The proposals have significant Rights of Light impact for which we will be taking civil action ...

11 - The proposals are not clear concerning Block A in regards to whether it will be developed as a car park or a residential block. ...

12 - The proposals do not justify its relatedness to the Garden Village Masterplan adopted by the authority. The building floor plans are a copy of the applicants Luton development designed by the same architect who proposed the same façade articulation they designed for many buildingsin Wembley.Harlow is neither Luton nor Wembley and the proposed design codes are not in keeping with Harlow character...

13 - The proposals do not include any community use on the ground floor which should have been expected by a major development of this nature as well as not considering the other uses comprehensively. ...

14 - The servicing strategy is ill considered, expects servicing and emergency vehicles to use pedestrian areas and the lack of servicing strip around the buildings prove that the proposals are an over development . The applicant has not explained how the North elevations of Blocks B1, B2 and A would be maintained, and how the South elevations of blocks C1, C2 and C3 (can) be maintained.

15 - The proposals do not explain how the social integration will be assured, how the proposed roof terraces are used and whether this is realistic or not. How will safety be ensured around play areas proposed at roof level, and how these areas are maintained,

16 - The application proposes too many apartments per core (and floor) which has been proven to create issues and prevented by policy across many of the UK cities and towns. The applicant has not explained how these issues are mitigated

Liam Jones, XFit24 t/a CrossFit, 424 Kitson Way

...Strong objectionsas an operational business immediately bordering the site ,,.... we are of the view that the proposed development will have a negative impact on our ability to continue to operate.....:

- The proposed development does not take into consideration the access requirements of the car parks which we have exclusive use of as part of our tenancy agreement
- The proposed development does not take into consideration the access requirements for servicing and delivery routes to our business, nor does it provide adequate space for emergency vehicles to access the rear of the building.

- The proposed development would create an unacceptably high level of noise, odour and pollution in the immediate surroundings. This is especially important considering we are in a community health business.....

PLANNING POLICY

Planning Standards

National Planning Policy Framework (NPPF) – regularly updated

This sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

(National) Planning Practice Guidance (PPG) – regularly updated

Detailed guidance to complement the NPPF, where particularly relevant this is noted in the report.

Historic England Advice Note 4 - Tall Buildings (2015, subject to update consultation 2020, with draft available)

This is the only national guidance on this topic. Though especially directed at a heritage context, for matters of urban character and practicalities of planning for tall buildings the principles set apply more generally. New Town design is a relevant heritage consideration.

Development Plan

The relevant policies of the Harlow Local Development Plan 2020 (HLDP) are:

Strategic Policies

- HGT1 - Development and Delivery of Garden Communities in the Harlow and Gilston Garden Town
- SD1 - Presumption in Favour of Sustainable Development
- HS1 - Housing Delivery
- HS2 - Housing Allocations
- ED3 - Developing a Skills Strategy for Harlow
- RS1 - Retail Hierarchy
- RS2 - Future Retail Floorspace (defines Town Centre on Policies Map)
- RS3 - Protecting and Enhancing Existing Retail Centres
- WE4 - Safeguarding Wildlife Sites Beyond the District Boundary
- WE5 - Heritage
- SIR1 - Infrastructure Requirements

Development Management Policies

- PL1 - Design Principles for Development
- PL2 - Amenity Principles for Development
- PL3 - Sustainable Design, Construction and Energy Usage

- PL6 - Other Open Spaces
- PL7 - Trees and Hedgerows
- PL8 - Green Infrastructure and Landscaping
- PL9 - Biodiversity and Geodiversity Assets
- PL10 - Pollution and Contamination
- PL11 - Water Quality, Water Management, Flooding and Sustainable Drainage Systems
- PL12 - Heritage Assets and their Settings
- H2 - Residential Development
- H5 - Accessible and Adaptable Housing
- H6 - Housing Mix
- H8 - Affordable Housing
- H9 - Self-build and Custom-build Housing
- PR4 - Improving Job Access and Training
- PR5 - The Sequential Test and Principles for Main Town Centre Uses
- PR6 - Primary and Secondary Frontages in the Town Centre
- PR11 - Evening and Night Time Economy
- L1 - Open Spaces, Play Areas and Sporting Provision and Facilities in Major Dev..
- L3 - Development Involving the Provision or Relocation or Loss of Public Art
- L4 - Health and Wellbeing
- IN1 - Development and Sustainable Modes of Travel
- IN2 - Impact of Development on the Highways Network including Access and Servicing
- IN3 - Parking Standards
- IN4 - Broadband and Development
- IN5 - Telecommunications Equipment
- IN6 - Planning Obligations

Supplementary Planning Documents (SPD) / Other Current Planning Guidance

Harlow District Council (HDC)

- Design Guide SPD (2011) and its Addendum (2021)

The Addendum supports HLDP Policies PL1 and 2. It is particularly relevant to this application as it addresses the considerations - general and local - relevant to applications for tall buildings (*defined as structures that are more than 6 metres taller in height above that of surrounding buildings, or over 30 metres tall – approximately 10 storeys*).

The Addendum considerations are used below as criteria in the assessment of the application subject to report.

- Affordable Housing and Specialist Housing SPD (2021)
- Open Spaces, Sport and Recreation SPD (2007) An update to this SPD is currently subject to consultation; Draft Public Open Space Standards and Biodiversity SPD (2021)
- Use Class Order and Town Centre Frontages (2021)
- Employment and Skills Contributions in New Development (2021)
- Harlow Town Centre Masterplan Framework (HTCMF) SPD (March 2022)

To assist with development management in the face of significant, immediate, pressure to determine major town centre planning applications, the Council has prepared a 'Town Centre Masterplan Framework SPD'. Evidence and draft material from the paused Harlow Town Centre Area Action Plan (HTCAAP) (see below) has been used in the HTCMF SPD, so the development of these documents is compatible.

Though the document offers guidance only and this limits its formal decision weight, in the absence of detailed town centre Development Plan policies, the HTCMTF is fundamental to consideration of the issues raised by major town centre applications, particularly in its support for increased residential development and car free approaches. The analysis the SPD of the new town history of the town centre and its character and architecture, is also valuable for this application.

The parts of the SPD dealing with guidance for assessment of applications for tall buildings (Section 7 Building Height Strategy) are closely linked to the Design Guide Addendum SPD (see above).

Spatially specific Town Centre Guidance Note 8, Opportunity Area 3 Town Centre North applies to the application.

Essex County Council (ECC)

- Essex Parking Standards Design and Good Practice (2009)
- ECC Development Management Policies (2020 - living document with regular updates).
- Essex Local Viability Protocol (2018)

Harlow and Gilston Garden Town (HGGT)

- HGGT Infrastructure Delivery Plan (2017) (undergoing evidence and costs refresh; currently unpublished)
- HGGT Vision (2018)
- HGGT Design Guide (2018)
- HGGT How to Guide on Planning Obligations and Viability (2019)
- HGGT Quality Review Panel (QRP) (QRP Terms of Reference) (2020)
- HGGT Sustainability Guidance and Checklist (2021)
- HGGT Transport Strategy (2021)
- HGGT Draft Healthy Garden Town Framework (2019)

This HGGT guidance has less weight than a formal SPD but is material. Harlow is a designated 'Garden Community' under the Government's Garden Communities Programme. NPPF Para. 73 provides the specific national policy context for HGGT as a location for *larger scale* (housing) *development*. Of particular note is the emphasis on; *existing or planned investment in infrastructure, the areas economic potential and the scope for net environmental gain* plus; *clear expectations for the quality of development and how this can be maintained (such as by following garden city principles)*. The Guidance elaborates on the HGGT's interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

For all major development, HGGT Local Planning Authorities (LPAs) take independent specialist advice on urban design and related sustainability matters (as included in the HGGT Guidance and Checklist noted above). This is through Essex Place services (ECC) and the HGGT QRP. Often this advice is provided at an informal, pre-application enquiry, stage, where early influence is important.

Emerging Policy

The draft Harlow Town Centre Area Action Plan - AAP (HTCAAP) (Issues and Options - Regulation 18 version completed in 2018, with a Pre-Submission - Regulation 19 version prepared in 2019).

The pre-submission draft Plan was submitted to Cabinet in December 2019. It was originally intended that it would be progressed to public consultation. However, following a review of progress in relation to current and expected development pressures in the town centre, work on a statutory AAP was paused. Despite this the HTCAAP is of background relevance. It indicates 'direction of travel' in respect of the Council's objectives for regeneration of Harlow Town Centre, following on from HDLP Section 9 Retail Ambitions and Town Centre Redevelopment and Policy RS2, which defines an enlarged Town Centre. HTCCAP Opportunity Area (OA) Town Centre North policy applies for the application subject to report. As a draft, the AAP has limited decision weight. The policy approaches in the HTCCAP have now been carried through into the HTCMF SPD (above).

Harlow Town Plan Consultation Draft

This is a corporate document setting out the Council's vision and aspirations for Harlow / HGGT growth beyond the current Development Plan period. Although this plan will not become part of the Development Plan it is capable of being a material consideration and provides an important context for decisions on major planning applications. For this application the central 'Town Plan' issue of the implications of the scale of Town wide growth for travel behaviour and associated transport infrastructure investment is highly relevant.

SUMMARY OF MAIN ISSUES

The main issues for consideration of this application are:

- **Principle of development**
- **Impact on the vitality and viability of the Town Centre**
- **Impact on the character and appearance of the area**
 - **Density**
 - **Massing and height**
- **Urban design detail**
 - **High-quality design and layout**
 - **Architecture and materials**
- **Residential quality and amenity**
- **Housing**
- **Transport, highway access and parking**
- **Strategic infrastructure (other than transport)**
- **Westgate / West Walk environmental improvements**
- **Sustainability**
- **Viability**
- **Development stages and phased implementation**

ASSESSMENT

Italic text in the Assessment indicates direct quotation from a source document.

The central decision issues for the application relate to the acceptability of the proposal in respect of:

- Changes to the character and appearance of the area
- Urban design detail

It is therefore essential to assess the proposal against the principles and criteria set out in the Harlow Design Guide, especially the Addendum, with its section on Tall Buildings.

The Design Guide principles and criteria for tall buildings are carried through into the HTCMF and applied specifically to the town centre and particular locations within it. The HTCMF also adds some valuable detail on the existing architectural qualities of Harlow Town Centre.

The relevant principles and criteria are directly quoted in the assessment, but sometimes the quote combines the wording from both documents.

Principle of Development

HLDP Policy HGT1 sets all major residential development in Harlow in the context of the very substantial proposed growth of the Town as whole and its future as a 'Garden Town'.

National and local partnership arrangements and policies for achieving Garden Town 'principles' are set out in the HGGT Vision and NPPF Para 73. They are relevant to major urban redevelopment sites.

HGGT principles for sustainability detailed in the HGGT Sustainability Guidance and Checklist, facilitating transport mode shift in accordance with the HGGT Transport Strategy and infrastructure provision set out in the HGGT IDP, are particularly important.

Generally the development accords well with the main HGGT principles because:

- it achieves efficient use of urban land through redevelopment and intensification;
- it provides much needed new housing;
- the new housing is in a highly accessible location, creating an opportunity to live close to existing community facilities, services and public transport, thus reducing reliance on travel by private car (in this case through a full 'car free' development);

The specific level of achievement against HGGT principles is assessed further below ('Transport, highway access and parking' and 'Sustainability').

HLDP Policies SD1 and H2 and Paragraphs 119-124 of the NPPF give high priority to encouraging urban ('brownfield') residential redevelopment.

The site is located within the 'Town Centre' as defined in the HLDP (Policies RS1 and 2). The Policies provide for retail expansion to meet the needs of HGGT growth, but also allow for town centre mixed use regeneration, including residential development. The NPPF (Para. 86f), encourages residential development in town centres, stating that residential development often plays an important role in ensuring the vitality of centres. Development Plan policies and the

NPPF thus clearly support a rebalancing of town centre uses away from commercial to more housing.

The HLDP envisages preparation of more detailed policies for the Town Centre in the form of a HTCAAP. The current position on the draft AAP and the related HTCMF SPD is noted under 'Planning Policy' above.

The draft HTCAAP and HTCMF SPD specifically encourage mixed use residential led redevelopment and contemplate introduction of tall new buildings as part of an overall regeneration strategy.

The specific area guidance for is set out in Policy OA3 - Opportunity Area 3 (Town Centre North) of the HTCMF SPD which states that the application site is:

...identified for a mix of uses but with a focus on...a mix of retail and active uses at ground floor with residential above across the south and west of the area. Stone Cross has the potential to become a high quality destination for leisure and hospitality.

OA3 is a much wider area than the site, but the application site is a substantial component. The HTCMF assumes that the approach to the application site is already set through the existing permission (see Planning History). The form of that permission is then taken as a fixed input to the 'Masterplan'.

Taking account of the HLDP, guidance for the town centre in both the draft AAP and HTCMF, and the emphasis of the NPPF, residential redevelopment in a town centre location should make the most effective use of available land, subject to the contextual character and the specific constraints of the site.

In conclusion there can be no doubt that the type of redevelopment proposed is acceptable in principle.

Impact on the vitality and viability of the Town Centre

The commercial elements of the proposed development are subsidiary to residential, but clearly acceptable, indeed very desirable, in a town centre and provide active ground frontages in large parts of the development. As Planning Use Class E; and related, premises they would be flexible between retail, professional services, restaurants / cafés, drinking establishments, community, leisure workspace defined premises. This would offer a variety of opportunities in actual use. All uses would, subject to reserved matters detailed design and conditions on hot food related fume extraction and ventilation, be compatible with residential amenity.

The submitted Retail & Commercial Strategy Assessment examines loss of commercial and retail space as a result of the development and the role of the new provision. This states:

- The demographic profile of the town is below average affluence for the region and the existing retail and leisure provision is therefore typically geared to a mass market and value orientated offer, which limits the number of higher quality outlets.
- Retail vacancy in Harlow town centre accounts for over 147,000ft², or 22% of total units (16% of floorspace), compared to an average of 12.6% nationally. Most significant perhaps, is the void length, with 39% of all vacant units (57,000ft²) having been empty for 3 or more years, which usually indicates that it is now redundant space³.

- The retail offer lacks a clear point of difference and a significant proportion of spend is leaked outside of the local retail catchment.
- Other than a few key brands in the town centre, specialist shopping trips are made in London and the various regional shopping centres within a relatively short drive. The town's core offer is around convenience and service provision, whether for retail or leisure, but oversupply and vacancy has tended to mar the quality of the retail environment outside of the prime retail pitch.
- The retail and leisure offer of Harlow Quarter needs to attract and appeal to other households across the town to make them viable. However, the catchment population is large enough to be able to support a higher proportion of more aspirational retail and leisure outlets if these consumers can be encouraged into the town centre to use them.

The report concludes: “. as the beginning of wider redevelopment journey for the town the proposal should be an excellent catalyst for change, providing it stays aligned to a long term vision. If successful, Harlow Quarter is likely to result in further developer interest to improving other blocks within the town centre. Harlow Council is demonstrating increasingly proactive strategy for improvement with its recent applications to the BID process and the Town Fund as well as other proposals to improve the economic activity within the town centre, including proposals for the Institute of Technology.”

The review has been subject to independent review by specialist consultants acting for the Council (Lambert Smith and Hampton; Market Evidence Review).

The advice provided by the Council's consultant notes:

The proposed scheme will replace 7,301 sqm GIA of former Class A1 retail floorspace and 898 sqm of former Class A2 (Services) floorspace. Overall, there will be a net loss of 4,301 sqm GIA of A1 and A2 floorspace. (58% loss)

and concludes:

The majority of the evidence presented provides a sound argument that there is a need to diversify redundant retail and other commercial town centre accommodation in the town centre, albeit in areas that are failing. (failing in terms of current and future likely market conditions)

Though new provision is lower than in the existing permission, this level of provision is clearly appropriate for the now proposed ground floor layout and the planned role of this part of the Town Centre under the HTCMTF and the Council's aspirations for the Town Centre

The Development Specification commercial floorspace figures are presented as a maximum level of provision and for the outline part of the application are subject to reserved matters design detail. This means that the commercial provision is not certain to be provided at a particular level (or as shown in the Design Code / illustrative drawings). Any permission should be conditioned to set a minimum level of commercial floorspace provision and to include provision in key locations in relation to the Design Code; the (Broad Gate and Stone Cross / Market Square). These frontages should offer ground floor commercial / non-residential accommodation and create active use frontages (according with the principles of HLDP Policies PL1, PR5 and 6) (see conditions 26/27).

One significant feature of the proposals on commercial uses is that the current position of East Gate as a secondary location for commercial activity would inevitably be reinforced. This is because of necessary configuration of residential and commercial elements of Block B (in accordance with the application Design Code). Block B must accommodate residential entrance and cycle storage that will affect this frontage. The HTC MF identifies Eastgate as part of a cycle route through the Town Centre and its main orientation is to the proposed east / west 'boulevard' which is planned as an attractive pedestrian route between the southern end of West Gate / West Walk, with the Harvey Centre northern entrance and Broad Gate. This is an acceptable change arising from the overall proposal.

The existing permissions on the wider Strawberry Star site (see 'Relevant Planning History') already establish the principle of high-density mixed use, residential led, redevelopment, with consequent reductions in the level of commercial, including retail, floorspace in this part of the Centre. In both the existing permissions and the application subject to report, lost commercial space is part replaced with updated accommodation likely to be more attractive in market terms. This approach accords with HLDP Policy RS3 which seeks to protect existing retail floorspace only where it contributes towards the viability, vitality and function of the centre.

Impact on the Character and Appearance of the Area

Density

This is a large-scale proposal with significant character and appearance impacts.

The earlier submissions raised concerns, especially in respect of building heights and prominence. The application is now substantially amended in that respect.

Residential density is proposed at 352 dwellings per hectare (dph) - 578 dwellings site on 1.64 hectare (ha), This is an increase on the existing extant permission (249 dph). There is an increase of 218 dwellings across the whole area including Block D (Block D does not form a part of this application).

The proposed development could be expected to generate a resident population of at least 1,000 persons.

The main use is apartments from the first-floor up, but with some ancillary communal residential use spaces, designed to have some open glazed active frontages on the ground floor. The form of the proposed ground floor residential uses (dubbed by the applicant as residential hubs) is explained at Appendix 5 (Applicant's document). This will allow some potential for the hire by residents of Harlow and will be secured by condition

There would also be significant ground floor commercial space, fitting well into the expected character of town centre location.

High levels of day and evening activity in the area should result from this mixed use. The scale and nature of the residential use and associated economic activity would be substantial, contributing greatly to the town centre activity and vitality. This has the potential to help sustain the commercial parts of the scheme.

Massing and height

Much of the town centre consists of low-rise buildings, of 2-3 storeys. The 'prevailing' taller building height in the town centre is in a range 11-16 storeys. The tall buildings that determine 'prevailing' are a combination of those long established (e.g. the adjoining Joseph Rank House

and Terminus House at 13 storeys), and recently permitted (e.g. The former YMCA site at 13 storeys, Wych Elm House at 11 storeys and the existing unimplemented scheme for the application site, with its main point block of 16 storeys).

HTCMF Guidance Note 5B says: ...require any proposal for tall buildings to consider the relationship with the existing context, including prevailing building heights. As part of this, proposals should demonstrate that the location is appropriate in relation to an evaluation and assessment of suitability and sensitivity.

Overall, the proposal is for a prominent, distinctive, landmark development. In this respect the most significant aspect of the proposal is the two towers; of 16 storeys (Block A. and Block C1) which are approximately 57 m in height. There are slight differences in height resulting from different architectural treatment of the terminating roof levels; the aim being to give Block C1 predominance through its 'skyframe' 'crown'.

This height respects the prevailing height led guidance in the HTCMF. The proposal will create a cluster of tall buildings in the town centre (alongside the existing Joseph Rank House (13 storeys) and the recent consent for 'Block D' section of the Strawberry Star site at 12 storeys). A taller buildings cluster in this location is envisaged in the HTCMF and it would offer a valuable regeneration 'statement' and focus. This can be seen as change for the better and is actively sought by the Council's policy / guidance.

There are some specific Design Guide / HTCMF assessment criteria relevant to consideration of the visual changes in character and appearance:

- a) *Tall buildings respond to key views and setting / ...how the building will be viewed from a range of locations, both from nearby and from afar (HTCMF Guidance Note 5C and 3C)*

The applicant has submitted comprehensive studies (Townscape and Heritage Visual Assessment and Design and Access statement), including illustrations of the impacts of the proposal in various views (known as 'verified views' because they meet accuracy assurance standards). The choice of views considered reflects guidance in the Design Guide and the HTCMF.

The most important illustrations from the application submissions are reproduced in the Plans Pack.

The illustrative views use both the full application drawings and the outline application maximum parameter lines, to indicate relationships to existing buildings and buildings permitted but not yet built. They show the effects in long views from the surrounding countryside (e.g. Gilston), medium distance views within the town (e.g. Town Park) and shorter distance views of parts of the Town Centre (e.g. St Pauls Church surrounds and Stone Cross / Market Square).

The development would be visible, as part of the groups of tall buildings (some existing, some committed), in long distance views. They would not be unduly prominent.

For the more immediate town centre views, the development would create many new impressions experienced by day to day by users and residents of the centre, but this is appropriate to achieve the desired regeneration impact.

In some locations, particularly in West Gate, East Gate and Broad Gate and from the new east-west boulevard, the change in scale, height and massing of the buildings would be substantial, dramatically changing the area's character purely through the density of

development. From Stone Cross / Market Square the buildings will appear as set in more space. The civic context of the open square would be affected by the very large buildings to the south replacing much lower frontages, but this would offer more visual interest and enclosure.

There is a specific potential heritage impact on setting and views of the listed St Pauls Church and registered Town Park. The setting for the Church will change to an extent because the towers would be visible in some views. However, the changes cannot be seen as intrusive. The visual prominence and symbolic value of the church and its spire is not adversely affected. Views from, and the setting of Town Park are not changed significantly.

In parts of the Town Centre near to the development the heritage value of existing new town architecture is evident in the non-designated, but valuable heritage assets of Market House, Adams House, East Gate (HTCMF Guidance Note 3C: Heritage Principles). The context and setting of these buildings would be changed by the new frontage development to the south of Stone Cross / Market Square. However, the buildings will not be directly affected and the overall regeneration of the northern part of the Town Centre arising from the development should assist in their future use and retention.

In all aspects, any perceived harm to heritage would be judged as 'less than substantial' in NPPF terms and set against the benefits of the proposal.

b) *Tall buildings improve and enhance the character and appearance of the local area (HTCMF Guidance Note 5C, 5D, 5E and 5F)*

How the significant tall building changes to local character and appearance and to views are evaluated in terms of *improve and enhance* is a central judgement call. The view taken is ultimately very dependent on the Council's aspirations for the Town Centre.

The proposal accords well with the HTCMF guidance (Guidance Note 5D: Appropriate Geometry, Typologies and Positioning) on heights for tall buildings. At 16 storeys the towers sit within the guideline of 10 – 16. Though, at 8 storeys the shoulder blocks exceed the guideline of 6 and the perimeter blocks at 7 storeys exceed the 4-6 guideline, this is appropriate in context and because of the specific design features included in the Design Code. The Code provides for an attractive taller entrance marker building to the Boulevard on the Broadwalk frontage and for top floors to be set back in the most sensitive locations.

The Broadwalk and Stone Cross / Market Square frontages are relatively wide and open and can assimilate a taller form of frontage development. Indeed, the additional height and enclosure can be seen as beneficial to town centre character.

c) *Tall buildings make a positive contribution to their surroundings (HTCMF Guidance Note 5A, 5C, 5D, 5E and 5F)*

Whether the new tall buildings make a positive contribution to surroundings is closely related to the judgement of *improve and enhance* referred to above, but also includes more consideration of the architectural appearance of the buildings.

Account must be taken of the deliberate identification of this area in the HTCMF (Guidance Note 5E) as offering a tall building landmark opportunity, but the guidance (Guidance Note 5A) also includes:

... Proposals for higher density and schemes which propose mid-rise and taller elements will be subject to additional scrutiny to demonstrate exceptional design quality.....In order to be defined as "exceptional", proposals should exhibit

consistently excellent and holistic responses judgement that a scheme achieves “exceptional quality” must be subject to scrutiny by the independent HGGT QRP. Account will be taken of the level QRP engagement and endorsement achieved....

On this matter, there is inevitably a heavy reliance on the Council's aesthetic judgements, and it is of course important to acknowledge that tall, large scale, buildings are prominent and can be intrusive. Also, they are not necessary to achieve regeneration objectives. If their appearance is poor they can be judged as damaging to character and appearance.

The full detailed elements of the application and the Design Code provide a good basis for assessment of overall quality of appearance that can be achieved. In their general architectural appearance, the full application proposals are judged to be of a sufficiently high quality. This is view endorsed by the QRP following much detailed scrutiny and amendment of the earlier designs (see more information elsewhere in the report).

For architectural appearance the Design Code and indicative / illustrative scheme are very important in respect of the outline parts of the application. The Code is comprehensive and should be sufficient to secure quality in future Reserved Matters approvals. The full parts of the application also offer a quality 'reference point' for future Reserved Matters submissions.

The overall conclusion on character and appearance is that the proposals would dramatically change and revitalise an underused and somewhat 'run-down' part of the Town Centre. General economic, environmental and visual regeneration impacts on character and appearance are therefore very positive.

However, there are other aspects of design quality that need to be considered.

Urban Design Detail

High-quality design and layout

The HTCMTF seeks development that would:

Provide high quality public realm and human scale, active frontages, user friendly and legible entrances and approaches, sunshine zones, appropriately-sized open space, legible links with transport and pedestrian routes, and appropriate landscaping and amenity space. (Design Guidance Note 5G)

HTCMTF Policy OA3 includes the following area / site specific guidance:

F. Development proposals should seek through reconfiguration of the existing street and block structure, the creation of a new green gateway at West Square

G. Development proposals should seek opportunities to enhance the public realm at Stone Cross..... Stone Cross will be the focus of a leisure and hospitality quarter

H. A new east-west pedestrian connection connecting the Harvey Centre entrance to Broadwalk will be safeguarded with active frontages adjoining the route

I. Cycling should be accommodated on the East Gate West Gate link. Development proposals should seek opportunities to enhance this route through public realm and streetscape improvements including shared surface treatments, street tree planting along the route and enhancements to West Square and the Harvey Centre entrance plaza.

Site layout achieves the essence of the above, though the degree of active frontage achievable on the new east – west connection is uncertain. There will be potential to deliver some of the public space landscaping elements of F and I (see below). Point I relates mainly to off-site public realm and cycling route to the north of the site, but only the West Gate West Square parts of this route are incorporated in the application. There is no direct or financial contribution to environmental enhancement of the main part of this route outside of the application site, though it is in close proximity and has benefits related to the development.

The relationship of the site layout to important existing, adjoining, town centre features; West Gate / West Square and the Harvey Centre entrance, Broad Walk, East Gate and Stone Cross / Market Square, with its large public space, is well handled and secured through the Design Code. The proposed Parameters maintain the essential block structure and frontages. There are generous public realm spaces within the site, with a full pedestrian public access area on the new east / west 'boulevard' and both pedestrian and cycle priority design in the West Gate area.

West Gate is proposed for very desirable environmental improvements undertaken by the applicants. The improvements would significantly enhance the general environment, residential amenities and commercial attractiveness of the area. The area includes Council owned land which is public highway which gives rise to some implementation issues (explained under 'Westgate / West Walk environmental improvements' below).

Provision is being made to safeguard existing public art; the listed Elizabeth Frink statue (currently moved for repair under the permitted Block D proposals) and to replace the few existing street trees which are of poor quality. All the refurbished and new public realm areas can become a very attractive hard and soft landscaped feature of the development.

This whole approach to creating a refurbished high-quality public realm could be reasonably secured in layout, appearance and quality terms through approval of the full application elements, which include the whole West Gate area and the Design Code for outline parts of the application.

Given the height of the proposed buildings and their relationship to existing and proposed public realm, it is important to consider daylight and sunlight and wind microclimate conditions there. Generally, there are no concerns, but there are some implications for useability and a potential need for mitigation achieved through soft landscaping. Studies undertaken on this are considered in more detail in a separate section of the report (below).

Overall, there are some important conclusions in respect of Town Centre public realm, that arise from the layout of the site, in combination with the proposed scale and height of buildings:

- The internal east-west boulevard is proposed as a new public route and has the potential to be a very attractive feature of the development (as with the existing permission, but without the conflict of vehicle movements to car parks). If there is to be permanent public access, a right of way must be secured. This would need to be a planning obligation. If it is not so secured the area must be viewed as a private space. There is then potential for a 'gated' development to emerge. Some of the ground floor residential amenity and community facilities uses facing the boulevard might encourage this.
- There are multiple demands on the proposed boulevard, including for residential amenity, commercial activity and servicing, with some vehicular access. The crossing of the improved West Gate public space and managed access running

beyond West Gate between the B and C Blocks would require a clear space for the passage of larger, including refuse and fire, vehicles. The overall width of 15m is sufficient for this, but with an approximate 5m width clear central space, plus turning spaces required for vehicles (see Parameters / Code diagrams and Canaparo Associates Outline Delivery and Servicing Plan), the remaining space for building frontage amenities and full pedestrian zones, limits usage and landscape design options. Practical use and the landscape quality of the spaces created would be completely dependent on vehicular access control and management measures. The Code approach of fully controlled access with restricted hours and on site 'concierge' management is crucial. It depends heavily on a successful long term stewardship arrangement and commitments. This would be another planning obligation matter.

- The new boulevard space would adjoin tall buildings on both sides. It runs to the north side of tall blocks. Sunlight to the public realm would be somewhat limited by building height and the close spacing of the buildings. The parameters require substantial gaps between the north-south axes of the blocks, so these effects would be relieved to an extent. This difference in layout from the existing permission improves on sunlight penetration to sections of the boulevard, albeit many of the buildings are taller.
- The existing public space and thoroughfare in East Gate and Stone Cross / Market Square to the north of the site (external to the scheme), would abut a tall (7 storey) and long site perimeter / slab block (B), with the Block A and C1 towers behind and aside. The public realm would inevitably lose some of its open feel. Sunlight close to the new buildings and in the SW corner of the Square would be somewhat diminished, in the winter. The East Gate to West Square 'street' (east-west axis) is not specifically assessed for day and sunlight changes in the applicant's study but it would clearly be more enclosed; accentuating the effect beyond the already permitted scheme. If the proposed tall buildings, were in future replicated on the other side of the quite narrow (approximately 15m wide) street this would create a further enclosing effect.
- Parts of West Gate, with its Harvey Centre entrance approach on West Walk, and West Square will also be subject to increased enclosure and overshadowing in comparison to the existing situation and permission. The north-south orientation of this public space lessens impact by allowing partial sunlight penetration. This area will be used, as now, primarily for movement rather than social activity with lingering and sitting, so this change is acceptable from that perspective.

(see below for more detail on sunlight and overshadowing).

Expectations for use, character and appearance of public realm within and adjoining the site must take account of these issues. For the internal boulevard, it seems likely that this area would mainly be an attractive, well landscaped, but largely functional, movement space, rather than the predominantly social and recreational space depicted in some of the application illustrations.

Greater building dominance and enclosure and lessened sky views and sunlight from ground level in public spaces are part of character change integral to higher density Town Centre development encouraged in the HHTCMF and foreshadowed in the existing permission. Some increased overshadowing and shading for open public spaces may also be appropriate in context of climate change. Acceptability must be judged in relation to context and objectives

for a 'landmark' approach to Town Centre development and likely use of the affected public realm.

Successful human-scale interface which should be active and engaging but with a contextual visual strength to anchor the building to the street. (HTCMF Guidance Note 5F and 5G)

This is a factor that is addressed in both ground floor uses and detailed architecture and appearance.

As noted above, the site layout provides well for new street frontages to the north (East Gate and Stone Cross / Market Square) and east (Broad Walk) and in the West Gate / West Walk area (with its relationship to the northern Harvey Centre entrance). These main frontages need to offer active frontages (primarily through commercial uses) built in to the form of the ground floor accommodation. The full application addresses this well, with commercial, residential hub (community amenities) uses and physical designs with appropriate floor to ceiling heights and large windows and attractive entrances that create active frontages. The Design Code also assists for outline parts of the application, especially on physical design of the ground floors.

As noted above the open, maximum, parameters on the extent of ground floor commercial uses that should contribute greatly to the vitality of the Town Centre, does not provide a mechanism for control. It would be necessary to use a minimum provision condition to control the provision of some commercial (Use Class E) floorspace throughout. Priority locations for active commercial focused frontages are usefully included in the Design Code (Broad Walk, east end of East Gate / Stone Cross, because these will remain as the main external facing street frontages).

Prospects for detailed design and creation of attractive and viable active frontages onto the new internal 'boulevard', which is mainly in the outline part of the application have to take account of service vehicle access points, waste storage and collection, residential entrances lobbies and community hub space and bicycle storage / parking. All these requirements affect space available and practical internal building layouts. Potential market demand for commercial uses in parts of this area may also be limited. It is not certain that the level of commercial frontage in the maximum parameters or indicative / illustrative material can be fully achieved, so expectations should be tempered.

For appearance of the building at ground level on these frontages, other than those dictated by use and function, aspects of detailed design will be a key issue for application of the Design Code in Reserved Matters approvals. This is especially relevant in achieving presentation of an attractive combination of the commercial spaces with residential entrances that are welcoming and safe and work with the practical servicing features throughout. The full application designs show how this can be achieved and set a good standard.

The inclusion of community 'hub' facilities in the ground floor mix is important to the overall design and the quality of residential accommodation and public spaces. These parts of the buildings can provide an attractive feature and active use and those attributes can be enhanced by building frontage design. This is demonstrated in the full application for Blocks A and C1.

Details of the part the community hubs play in the residential scheme are provided at Appendix 5 (document provided by the applicant). The suggested planning obligations on stewardship could incorporate arrangements to secure some external use through pre booked access to community rooms and events.

Architecture and materials

Appropriate geometry, typologies and positioning

The proposal is for a combination of tower / shoulder forms at the western end of the site (Blocks A and C1) with relatively lower, long frontage, 'slab' blocks (Blocks B and C2 and 3), in an appropriate perimeter layout respecting the existing frontage to the main public streets (Broad Gate, East Gate, Stone Cross / Market Square). Blocks C1-3 (C1 lower shoulder levels) are positioned on a long north / south axis (with a linking east west section between C2 and C3), whilst Blocks A with shoulder and B have their long axis east / west. This has general appearance and some aspect, outlook and daylight and sunlight implications for residents (assessed below). The height ratio relationship between towers and shoulders accords with the Design Guide and HTC MF.

Positioning of tall buildings is best with a setting in surrounding space (HTCMF Guidance Note 5G Design Criteria Street Level). This site and proposal cannot offer surrounding space, so the towers are only seen as a whole in very limited close-up views. Generally, this means the towers will be predominantly seen as projecting from a group of lower buildings unless views are from within the development or along the boulevard / West Gate.

Both towers are also in quite close proximity and also near to other tall buildings. Guidance generally discourages clustering of tall buildings (HTCMF Guidance Note 5F Positioning), but there is specific allowance in the guidance (Guidance Note 5A) for some clustering in this Opportunity Area because it forms part of the heart of the Town Centre and thus can evolve as a landmark cluster. The tall towers are relatively slender within the cluster and this is attractive.

The applicant points out that the deliberate (within site and scheme constraints) positioning of the towers at the West Gate end of the site marks the main site entry point and provides townscape legibility in the immediate area. They also say that though there is a limited cluster effect, the positioning of the towers is such that they are seen as clearly separated and visually attractive protrusions within existing and permitted buildings, in both short and long views.

This building configuration is acceptable as part of a cluster as envisaged in the HTC MPF. It fits into the current urban grain. It also relates well to both existing and proposed public spaces. The scale and height and very close proximity of all the blocks and towers does make for bold and dominant buildings, especially when seen from the internal boulevard. This is part of the intended architectural and regeneration changes sought for the area.

Building Termination

The full application designs feature distinct architectural terminations (*crowns*) in the towers that provide for attractive features and allow screening of any obtrusive roof top plant telecommunications or features for roof top recreation. This would be at height with wide visibility, which makes now having a full design on this aspect valuable. For the outline parts of the application the buildings are lower and the issue is of lesser importance. The Design Code provides suitable guidance that can be applied to Reserved Matters. The issue will remain important especially for the Block B and C3 frontage to public space.

Materials

The full application elements and the architectural analysis and prescriptions of the Code, including for articulation, openings and balconies in building facades, draw well on Harlow New Town design cues and would meet guidance requirements (HTCMF Guidance Note 5F: Design criteria). The blocks with the prominent towers designed in full are treated as very different designs, adding to architectural variety.

The materials approach in both the full parts of the application and the code is coherent and provides a linking theme in the designs. The predominant solid finish material will be brick, which is always soft and attractive, but perhaps less distinctive than alternatives.

Complementary choices of materials, followed through in the Design Code, allows for some linking of the deliberately distinct design forms of the various buildings. This is clearly illustrated in the full application elements of Blocks A and C1.

Lighting Effects

Prominent tall buildings and their residential use will result in significant lighting effects with high visual impact. This is expected and acceptable in a town centre and can desirably signal activity and vitality. External lighting scheme details would be controlled by condition, allowing assessment and mitigation of possible adverse effects. This is important for the public realm. However generally this must be a well-lit location.

Relationships between buildings and implications for future development potential of adjoining sites

There are some issues to note:

- Within the site, separation / overlooking distance parameters for some main residential elevations are below guidance (Design Guide; 18m). The separation of Blocks B and C 1-3 across the east west boulevard is at 15m. This is acceptable in a high-density town centre residential development on the basis that the facing elevations of relevant blocks can be designed in detail for secondary outlook only, or more likely in this case with mitigation. The Code requires design mitigation for any substandard primary outlook (for example configuration of main / habitable rooms, angled or off set windows where there are directly facing main rooms, openings or balconies). It should be stressed that the location and floor plans for the towers set within the site would achieve guideline separation distances, so this conclusion applies only to the other buildings.
- Street frontage sections of the development site on Broadgate and East Gate are approximately 15m and 16m respectively from buildings on the opposite side of the street. Currently the main relationship is with existing commercial properties, but if future residential redevelopment occurs there, it may need to incorporate design mitigation for overlooking. The proposals therefore impose some constraints on the form of development outside the application site, across these street frontages. This approach is unavoidable if the existing street frontages are to be maintained, with appropriate enclosure. Effectively, without wider comprehensive redevelopment, to a degree, an organic, first come first served, approach to redevelopment potential in these streets must be applied.
- The Block A north western (near former cinema area) and Blocks C1-3 southern (near Harvey Centre) sections of the development would have flank relationships with existing street fronting properties. The full parts of the permission and Design Code scale and height parameters will allow tall buildings in close proximity to boundaries, with limited separation spaces (of 5 m and 2m respectively). There is potentially a heavy reliance on outlook provided by air space over the adjoining properties. The full application design demonstrates a satisfactory solution to these flank elevations. For Block A only secondary windows are provided and this is related well to internal room layouts. There are no balconies. For C1 the flank elevations again have only small secondary windows and corridor 'lights'. This approach can be carried on in C2 and C3. The C3 flank would be very visible in Broadwalk, but with a similar window design that on C1, it is possible to

avoid an unattractive blank and tall projecting flank wall. More important, these designs would not unduly limit the design options for redevelopment of adjoining land. Nevertheless, it must be acknowledged that the first redevelopment to take place can effectively 'steal' space and outlook potential from adjoining plots. The approach is really only acceptable on the basis of creating a landmark tall building and that approach may not be extended to adjoining plots (HTCMF). To an extent this is the view taken with the existing permissions, albeit only in part (the Block A flank is permitted as blank) and there are lesser heights involved.

It is also relevant that, for the affected adjoining plots, the potential impacts are more manageable in the context of likely adjoining uses and future development configurations. The Harvey Centre is expected to remain in its current form as the retail and services heart of the Town Centre. Though the HTCMF does allow for some height increases in any redevelopment, these are not seen to be of landmark scale, so any conflict will be limited. Boundary set back of residential elements within a large site would be readily achievable. The former cinema area has a main West Square Street frontage, where primary outlook onto the street and westwards would allow for satisfactory residential design. The southern flank elevation could be designed set back from the flanks with no, or just secondary, outlook. There would be limited detriment to public views and street scene (only a small gap).

In so far as the former cinema site is concerned these public interest design issues are separate from the property ownership / rights points raised in landowner representations, which are not material to the planning decision.

- A potential concern in permitting tall buildings is precedent for further such proposals on adjoining and nearby sites. In other words, there is a possibility of encouraging a spread of an 'organic' clustering effect, with limited space between new tall buildings. For street and public spaces 'canyon' effects can arise. This is a particular issue for this application, where, the design policy and application justification has to be to create a unique, stand out, landmark. It is legitimate to try to use planning powers to protect the surrounding space and visibility of the new buildings in future. This would be justified through the HTCMF. Outcomes cannot be guaranteed though.

Day / sunlight effects

There are no fundamental adverse effects and concerns.

The applicant has provided comprehensive daylight and sunlight studies in three parts (GIA Surveyors):

- *Daylight, Sunlight and Overshadowing* (referred to as external assessment)
- *Daylight & Sunlight Amenity Within the Site* (referred to as internal assessment)
- *Daylight & Sunlight Amenity Within the Site (2022 Building Research Establishment guidelines)* (an update to the internal assessment dealing with recent changes in guidelines)

The internal assessment (dwellings and their amenity spaces) examines the full part of the application and the DAS indicative / illustrative scheme only. It cannot reference the Design Code maximum parameters. This is because elevational treatment and window / balcony positions are needed to fully test outcomes. It would be possible to address any issues arising in the final design under the reserved matters. Also, it is inevitable that some parts of a new development of this kind will be of variable amenity in respect of internal light and some areas may not achieve recommended guidelines. In that case market choices will apply; whereas

this is not appropriate for impacts imposed on existing buildings, public spaces and their users, who cannot avoid impacts. The external assessment therefore covers both the full application design and the Design Code maximum parameters. Because the adjoining / surrounding built environment has to be treated as fixed, it draws its conclusions on the basis of the worst case (maximum height and massing parameters). The indicative / illustrative scheme assessment is useful to flag the design mitigations that might be necessary for Reserved Matters approvals.

The day and sunlight impacts of the development been scrutinised by specialist consultants acting for the Council (Avison Young; Independent Review of Daylight and Sunlight Assessment February 2022) They have reported on the earlier larger scale outline design.

An update for the amended application is underway, but not available for this report. This will be used for any Reserved Matters in case of permission being granted. It is sufficient to draw conclusions from the earlier assessment because the latest application amendments reduce the scale of the buildings substantially and thus overall impacts cannot be worse. The full part of the application now includes some design mitigations for balconies based on the sun and daylight studies.

The independent study generally endorses the applicant's approach and conclusions.

Public spaces:

The applicant's studies show overshadowing impacts on the main existing and new public spaces (using the Building Research Establishment - BRE criteria for Sunlight Hours On the Ground - SHOG).

They conclude:

Detailed sunlight testing of three public amenity areas known as Market Square, West Square and Broad Walk has been undertaken. All three public amenity spaces will achieve 2 hours or more of direct sunlight on 21st March to at least 50% of their area in both the maximum parameters scheme and the illustrative scheme, and therefore, comfortably adhere to BRE guidance (Para. 1.7).

For the internal boulevard:

As can be expected from this configuration, direct sunlight levels in mid-season tend to be lower especially to the immediate north of buildings, as these easily screen low angle sunlight typical of this period of the year (Para 5.3 internal assessment - winter).

This will somewhat affect use of the new public realm (sitting out).

The independent scrutiny suggests:

..the report is robust in terms of scope and approachchange from the comparatively current low-rise buildings on the site in order to achieve the policy aims will inevitably involve noticeable changes. (Para. 7.13)

The BRE guidelines used were devised primarily for residential amenity spaces, rather than town centre public realm. A wider view of impacts is justifiable for such spaces. This ought to be based mainly on judgements of changes to character and implications for intended uses. It is clear that there will be some 'noticeable changes' in overshadowing (and building dominance), particularly in West Square and the SW corner of Stone Cross / Market Square. The sunlight and overshadowing effects are acceptable in a context where the approach is to seek a high density, landmark form of development.

These general conclusions also apply to the new east west boulevard, but because this is a new public space, character change is less of an issue.

Wind microclimate

There has been a thorough assessment of the negative effects of the diversion and funnelling of wind arising from the effects of a tall buildings. There are no fundamental adverse effects and concerns.

The applicant has provided a computer modelling study of wind conditions in and around the proposed development (Architectural Aerodynamics Ltd – Arcaero Consultancy August 2022). This study is an update of studies for earlier iterations of the application. It now relies on the full permission element and considers Design Code maximum parameter effects. It also uses indicative / illustrative scheme detail for potential entrance locations and public and communal spaces (especially roof top amenity areas) which are most sensitive to wind effects.

The study concludes (summary extracts, Page 12):

- *.... wind conditions throughout the development and within the immediate surrounds satisfy the safety criteria*
- *.... wind conditions are generally suitable for designated pedestrian and occupant activities with respect to comfort*
- *Without the introduction of any landscaping, some minor exceedances of the comfort criteria exist. An indicative landscaping scheme has been considered qualitatively and is expected to provide more than adequate shelter to mitigate these minor exceedances. As such, wind conditions within the immediate surrounds and throughout the entire development are expected to be suitable for existing and proposed pedestrian and occupant uses*

The applicant's study has been scrutinised by independent specialist consultants acting for the Council, who have also assessed earlier the indicative / illustrative schemes in depth (RWDI Consultancy September 2022). They conclude:

Wind conditions are presented as similar to, or in some cases improved over earlier reviews. Where wind conditions are expected to marginally exceed target conditions, the applicant has qualitatively reviewed a proposed landscaping scheme.

The reduced height of the towers, together with the additional design detail now available, reinforces the conclusions of earlier studies. The conclusions are clear cut for the full application aspects which include landscaping. There will be a need for some more detailed checks on mitigation for Reserved Matters.

Mitigation can be achieved through both building design detail (e.g. entrance locations, canopies or screens) or by soft landscaping (e.g. trees break up wind flow). The former measures are preferable, as they are permanent.

The West Gate thoroughfares west of the C1 tower and parts of West Square are designed in detail, but final design of Block B and / or any implementation led changes to the hard and soft landscaping scheme could result in a need to adjust on mitigation.

The main locations that still need to be considered in this way in the Reserved Matters parts of the application are:

- ground floor public realm locations where social interaction, relaxation and sitting out could be expected or encouraged; the potential areas of lesser comfort being on the southern side of Block B1
- ground floor entrances (particularly on the south and west elevations of Block B1)
- rooftop amenity areas
- choices for location and design of balconies

The studies predict that conditions at some times on parts of northern side of the east west boulevard may not be particularly comfortable for sitting out. This affects expectations of this area as a social and recreational space.

Further checks investigation and definition of mitigation for final designs through Reserved Matters and the landscaping condition would be needed on any permission. This would ensure Reserved Matters approvals take account of cumulative effects, stage by stage and include any necessary design or landscape mitigation.

Specialist advice on urban design and architecture (NPPF Para. 133)

The Council takes specialist urban design and heritage advice from Essex Place Services to assist in its assessment of major planning applications. Their advice in relation to the initial submissions and the stages of application amendments is detailed in the internal consultee section of the report.

The advice on the (pre-submission) amended application is that achieves a good quality of urban design. Outstanding concerns were addressed in the final submission that is now being considered.

The following aspects of the advice are of note:

- *Welcome the inclusion of a large area of the public realm within the detailed application. The emerging design of the public realm is considered to be positive with the use of landscaping, incidental play and movement space to frame and activate the ground floor uses*
- *...microclimate analysis is being used to inform the design of the public realm.*
- *Welcome the inclusion of SuDS features within public realm proposals.*
- *Welcome inclusion of informal exercise spaces*
- *It is positive that the living arrangements, floorplans and sunlight and daylight analysis is being used to inform the design of the building.*
- *The concept of 'corner living' (dual aspect and balconies at block corners) is welcomed and (it) introduces daylight and views to contribute to the quality of the living space.*
- *... composition between the tower elements and shoulder buildings has been taken into account. This is particularly strong with Block C1 where the vertically of the tower is well balanced with the shoulder building which also introduces vertically with the*

use of framing. The design and materiality to Block C1 responds to the Harlow context with the use of a light material palette, use of verticality, framing on the facades and the use of a sky frame.

- *Block A; the option taken forward combines the harlequin pattern with framing to add a vertical element. The stepping of the building is positive with the introduction of dual aspect dwellings and the way the view towards the tower is framed by the slender elevation.*
- *...detail on the fenestration abutting the Harvey Centre has been included. We welcome the decision to reduce the outlook onto this elevation and position windows with views looking away from the Harvey Centre.*

Under HGGT Partnership arrangements major applications are also subject to independent 'Design Review' (NPPF Para. 133) through the QR Panel_(see 'Planning Policy' above). This provides a specialist critique of the proposals, with constructive advice provided direct to the applicant. In this case Design Review has contributed significantly to the evolution of the proposals. The HTCMPF (TCGNs 5A/D note the importance of *exceptional quality* and *exemplary design* for tall buildings, indicating that the conclusions of Design Review by the QRP should be influential in judgements of design quality).

Details of advice provided in evolution of the proposals are not included in this report but are accurately summarised in the applicant's Design and Access Statement (Section 4.4).

The final QRP advice (Chair's Review held 24.06.22) acknowledges the considerable improvements to the application through the last stage of the amendment process. Summary extracts are set out below:

The panel commends the amount of work done and feels that the previous comments have been taken on board positively. ...Given the length of the project programme, the panel recommends adopting a clear approach to planning conditions, Section 106 agreements and outline design parameters as part of the initial hybrid scheme. The public realm proposals developed are positive, but the panel has concerns that the landscape design will be the last element delivered in the phasing proposed. Given that the new public spaces created will be the main benefit for Harlow town centre, the panel would like to see options explored for meanwhile uses and projects that could bring these benefits forward and anticipate change.

... the quality of the internal residential units and shared spaces has improved. ... the scheme should be developed to address sustainability issues, particularly around overheating, the facade design should be more clearly informed by environmental modelling. The architectural concept and language adopted to reflect Harlow's modernist heritage is positivethe success of the scheme will depend on the detailing and quality of construction materials. The design of the monolithic frames and recessed panels should be considered in greater detail.

These comments are expanded below...

- *...the retention of the current design team will be essential and should be a condition of the application. Continuity through the construction process will also be important, and the panel notes that this will be particularly relevant to delivery of the public realm design.establish a design guardian role through the process*

- public realm strategy and detailed proposals should be included with the planning application to give a level of certainty over the public realm offer and benefit for the town centre
-establish requirements for the quality and phasing of public and private open space in the Section 106 and planning conditions
-minimum sizes for private balconiesshould also be conditioned a minimum percentage of balconies for the 1-bed units, alongside provision for all the two and three bed flats
- Conditions to maintain the level of 3-bed family homes should ... be considered
-outline elements of the application will need to be clearly defined. It suggests that parameter information should capture maximum heights and footprint, alongside maximum unit numbers and internal floor areas
- Design codes should also be prepared to demonstrate a clear detailed design process for the lower blocks. The panel suggests that these should consider options for allowing some deviation and interpretation
- Design codes for the public realm should also be developed, including detail on planting schedules, maintenance and management considerations
- High-quality materials will be critical to the scheme's success. Key bay study drawings should be required and referenced to relevant mock-ups and samples to help secure this. This should be conditioned...
-the quality and amount of amenity and green space has increased. The continuity between the Linear Park, Garden Boulevard and the robust approach to the New West Square is positive
-the approach to sustainable urban drainage has been well progressed
- The quality of the public realm will depend heavily on mature trees
- The play strategy is positive
- Areas for public realm and play space will need to be clearly defined to ensure that these are adequate.
- ...consideration (has been given to) shading and usability of the public realm.clear evidence and environmental modelling (is needed) to ensure that these spaces will be comfortable to use and dwell in.
- Management of vehicles will be vital.question the extent of vehicle movement in the public realm spaces; it should be on a managed basis for refuse and servicing only. incidental deliveries, for example internet grocery shopping or take aways, will need to be clearly managed. Assure).... that vans, mopeds and electric scooters can drop off deliveries, without obstructing pedestrian, cycle or vehicular routes.
- reduction in studios and the increase in 2-beds units is welcome

- *The proportion of dual aspect homes has significantly improved through the pre-application process.number of single-aspect homes (should be) further reduced.consideration of deck access on the link blocks could help*
- *Concerns about the length of the spine corridors (they) should be reduced..... (welcome) natural light in the cores and long corridors. However, at the lower levels of the buildings these are looking out onto blank walls and likely to internal dark and long corridors. The layout should be improved to resolve this.*
- *....the design of the internal flat layouts needs to be developed furthera number of units have internal kitchens areas with limited access to daylight and views out. internal sequencing could be made more efficient. (for) a number of units you arrive in the kitchen, then move into the living room and the bedrooms are accessed from there.*
- *The way the architectural language has developed and reinterprets Harlow's character and heritage is appropriate. the success of the scheme will depend in large part on high-quality materials and construction detailing.*
- *The harlequin pattern could work well, but the panel feels that it should not be merely an aesthetic choice. Each façade should be designed with rigour to address orientation, passive solar gain, comfort and sustainability. It is important the façade has depth, to meet these complex needs and to aid the modelling and quality of the architecture.*
- *The recessed elements and their composition behind the concrete frame should be handled with care and there is an opportunity for texture and relief (in contrast to the overall frame), particularly as residents will be able to touch and experience these.*
- *.....design and detailing of the frame elements of the facades will be crucial. Conceptually, these seem to be monolithic concrete frames – but in reality, are likely to be constructed with cladding.*
- *To achieve the intended monumentality, it will be essential that joints are minimised and as inconspicuous as possible, for instance by using double or triple height concrete elements to reduce the number of horizontal joints.*
- *.... the underside of balconies should be considered carefully, as these will be very visible from street level, as well as from the residential units and balconies below. Sustainability and environmental design*
- *clear environmental and sustainability targets, including embodied carbon and an approach to net-zero carbon (should be set)..... there will be a risk of overheating for the residential units. the architectural expression, façade design and internal layouts have not been informed by environmental considerations*
- *....during the construction phase, the existing public realm within the town centre will be impaired and measures should be taken to mitigate thisInterim and meanwhile uses that can help to change the impression of the town centre and be attractive to new owners and residents should be considered. • The panel notes that potential meanwhile uses should not be focussed solely on public realm improvements, but also consider how to support economic activity*

and regeneration within the town centre. • Movable landscape features and uses could be considered to adjust to the different phases over the length of the construction programme.

- *commend the applicant's positive approach to the QRP process and encourages maintaining a collaborative relationship with the Council as part of the final design development, as well as subsequent reserved matters applications in due course.*

Residential quality and amenity

Detailed assessment of residential quality in this report is based on figures provided by the applicant as part of their detailed architectural analysis (in the DAS) and must be regarded as general estimates (due to the outline parts of the application and matters of detailed definition and interpretation). However, the estimates are accepted as fair.

Building spacing and separation / overlooking distances and the day and sunlight conditions in new dwellings are an aspect of residential quality and have been considered above.

Internal space is also important. The Design Code and conditions would secure all dwellings as meeting national, advisory minimum, space standards, which is a useful, if unexceptional, commitment.

Day / sunlight effects

The HTC MF states:

Effects on daylight / sunlight; shadowing can be difficult to remove completely, but ... can be minimised through appropriate siting of the building and through orientation, floor space dimensions and overall building height

For dwelling / resident amenity, daylight effects on dwellings are appropriately quantified using the BRE measures of Vertical Sky Component (VSC) which measures the extent to which the sky is visible from windows and thus daylight available and Average Daylight Factor (ADF). The ADF measure is applied to the proposed dwellings as it takes account of design factors that can be adjusted (particularly room positions, layout and size of windows).

Sunlight effects are judged by the BRE measure of Annual Probable Sunlight Hours (APSH) which measures the length of time that sunlight will be available to rooms.

The independent assessment (Avison Young Consultancy acting for the Council) conclusions are summarised below and it should be borne in mind that the relatively minor issues mentioned are now lessened by the reduced height of the amended application.

For effects on the amenities of properties external to the scheme, all the existing nearby residential buildings are assessed in detail:

....effects to block D are of a similar / comparable nature to the extant consent, albeit there are a greater number in respect of the current proposals due to the comparative increase in density.

.....effects to Joseph Rank House are considered to be minor adverse, mainly due to its design and relationship to the proposed development.

At 1-4 Mitre Building,there would be large percentage VSC reductionsthese are considered potentially misleading..... Retained VSC values would be considered typical / very good for a dense context.

At Westgate House, the degree of adherence with the BRE recommendations and retained values are considered reasonable for a dense context.

At 12 The Rows, there is a significant relative impact, due to the proximity to the site and the current low-rise buildings. The Illustrative scheme has demonstrated a more sympathetic relationship than the maximum parameter plans and would produce retained values which are considered reasonable / typical for a dense environment.

At Adams House and Market House, most areas fully satisfy ... BRE recommendations, by virtue of their relationship and distance from the site.

Block D (as already permitted but not constructed) is treated as an 'existing' building because it is already a planning commitment outside of the application proposals. It is the building most noticeably affected as it would sit very close to the tall proposed C1 block. Dwellings on its east elevation would lose some day light and sunlight (in comparison to the exiting outlook to low rise buildings), but this is not to a degree to cause concern. Also new dwellings in this side of Block D would be occupied in full knowledge of the development of the application site to follow.

For effects on the amenities of dwellings internal to the scheme, the advice states:

the proposed development would have the potential to achieve well day lit dwellings on the basis that the recommendations in the report are followed in the course of producing the detailed design (this now applies only to the outline parts of the application)

..... It will be of particular importance to ensure careful design of the dwellings placed on the southern elevation of block B and also the western elevation of the middle building in the block C cluster

..... design and layout would offer the potential for the proposed dwellings and external amenity areas to achieve adequate skylight provision for future occupants ... (this is now demonstrated in detail for the full application, with particular reference to the exclusion of overhanging balconies to maximise internal light on the west facing elevation of the lower parts of Block C1). (looking towards permitted Block D). A similar situation may arise in other parts of Block C.

The overall conclusion is that generally, for both existing and new dwellings, day and sunlight effects can be managed, by detailed design, to be acceptable. This is especially the case in context of a high density development in a town centre, where occupants would expect some constraints on day and sunlight, a situation already accepted in the existing permission.

This is a matter that would require further attention in the Reserved Matters for outline parts of the scheme.

Dual aspect

Dual aspect an important indicator of quality of residential accommodation (though definitions can vary – for example full main aspects, versus lesser forms with small returns as insets on one frontage). The target in the HTC MF is that 90% of flats in a tall building will be dual aspect.

Due to development density, building forms and dwelling sizes, the proposal cannot achieve the HDC target. The towers provide the best dual aspect options due to their slender form and all round outlook. The perimeter and shoulder blocks are designed in full or illustrated (and Design Coded) as configured with apartment entrances off central corridors. This inevitably limits dual aspect options. The maximum provision of dual aspect that can be expected is approximately 60%, (compared with 36% in the existing permission). This level of achievement against the standard is acceptable for high residential density in this location.

The early proposals considered options for increasing dual aspect by using deck access arrangements, but that has been ruled out due to elevation appearance and potential practical use, privacy and security disadvantages.

Amenity standards

It is anticipated that approximately 70% of dwellings could have private balconies (compared with 100% in the existing permission). With potential detailed design compromises in the outline parts of the application for day and sunlight levels in interiors (which can be adversely by balcony locations and projections), this cannot be a certain outcome. The parts of the application made in full demonstrate an appropriate approach, including, as an example of necessary exclusion of full projecting balconies (Juliet only included) to maximise interior day lighting on the east elevation of Block C1. The applicant rightly says that within a high-density town centre development, flexibility to exclude balconies is essential (as with the example above), because they can have adverse obstruction and overshadowing effects on day and sunlight levels, or be inappropriate to the amenity environment in parts of the scheme (e.g. north facing, noise or odours).

The overall proposal, based on the indicative / illustrative scheme suggests approximately 15 sq m per dwelling (of combined private balcony, communal ground level and rooftop recreational and amenity space could be achieved (compared with 16 sq m in the existing permission). Again, this is not a certain outcome. Provision is significantly lower than the Council's standard of 20 sq m for flats (Design Guide Addendum), but that standard allows for some reliance on nearby public amenity space.

Provision, quality and useability of the communal spaces is reasonably controlled through the combination of full application and Design Code. Permanent retention and management commitments are an essential part of residential quality in the longer term. These are matters that should be secured through stewardship related planning obligations.

The applicant's view is that the level of external amenity / recreational space is sufficient in this location, especially because there are sizeable public open spaces, with good recreational and play opportunities, within easy walking distance. Whilst this may be the case, a development of this scale should also provide a good level of on-site opportunities. Because of development viability (see below), there are no proposed contributions to enhancement of off-site recreation opportunities, though there will be substantial demands from the new population.

Overall, the levels of dual aspect and amenity provision do not meet the Council's policies and standards, which aim for the highest residential quality, but, of itself, this does not mean the development is unacceptable. This is especially the case with the apartment types expected in a town centre and for the target housing market.

It is also important to recognise that, as illustrated here, the application proposals are not markedly dissimilar to those with the existing permission.

Applicant analysis of residential quality

The Council's guidance and standards focus on several key aspects of design for residential quality but there are some other factors that should be considered in assessment.

Use of a wider range of residential quality assessment criteria has been discussed with the applicant. A Residential Quality Matrix is provided (DAS Appendix 12.4). This provides a comprehensive and useful analysis.

Matters such as spacious and well-appointed entrance areas, combined with residential hub / community facilities, lift and stair core frequency and configuration, pleasant corridors with limited length / low numbers of dwellings served and some natural lighting, can all add to quality. The designs, both in full and through the Design Code requirements, perform quite well on these factors.

Ground floor use

Site layout and ground floor use parameters (considered above) allow for effective residential servicing, including waste disposal and the secure internal bicycle storage essential to support a car-free residential development. Stewardship arrangements secured by planning obligations would be necessary to provide essential safeguards on these matters. There will also be some detailed design issues to resolve through reserved matters, particularly for the dual facing elevations of Block B's ground floor.

The mixed-use environment with commercial uses at ground floor would require detailed design safeguards (Building Regulations and planning conditions) to address potential noise and conflicts, but this is a normal expectation in a town centre.

Housing

Housing provision on brownfield land, in a transport accessible location is a national planning priority (NPPF Section 11) and a very positive factor in assessment of the application.

Nevertheless, as context it is relevant to recognise that the District housing land supply position is relatively 'healthy' (6.4 years supply at 31 March 2021), including the existing permissions on the application site (HDC Monitoring). There are also very sizeable land allocations to allow continued growth under the HGGT project. This should maintain and improve supply. More intensive residential development of the application site is not therefore an assumed part of the Development Plan and its housing pipeline. There is no overriding need for additional housing on this site. The driver for housing development is related mainly to Town Centre regeneration (HTCMF).

The applicant's proposals (Design and Access Statement and illustrative / indicative scheme for the outline part of the application) suggests a size mix (Studio: 5-15% / 1-Bed: 35-45% / 2-Bed: 35-45% / 3-Bed: 5-15%). There is potential to control this through a condition. The mix does not accord with HDLP Policy H6, but is appropriate for an all apartment development in the Town Centre.

Accessible housing is proposed at policy compliant level; approximately 50 dwellings (10%) (HLDP Policy H5). Priority allocation of the limited on-site parking (23 spaces in Block A) is expected.

There is no proposed affordable housing provision (HDLP Policy H8), due to the overall financial viability of the development (see below).

HDLP Policy H9 and related guidance requires provision of self-build housing opportunities and in flats this could take the form of 'shell' self-finish units. The application does not offer this, but this is not a major consideration.

Residential design quality and amenities are determined by the urban design detail of the proposals (see above).

Overall, additional housing is desirable and there are certainly benefits in introducing more town centre apartments because this contributes to opening a new market for Harlow, as intended in the HTCMPF. However, because there is no affordable housing, the proposal is poor in respect of Harlow's most pressing needs.

Transport, highway access and parking

The proposal is for 'car-free' development, recognising the highly accessible location, where residents can rely on public transport and active travel (walk and cycle). This supports the HGGT transport approach (HDLP Policies IN1 and IN3, HGGT Transport Strategy and NPPF Paras 105 -107). The HTCMPF (Guidance Note 2E) specifically encourages this:

A low level of parking provision or car free development will be encouraged in new residential developments with appropriate justification. Justification should include the degree to which the development makes provision for: Travel planning arrangements.....

The application includes a comprehensive Transport Assessment. Car free means there are negligible impacts on the highway network. Essex County Council as Local Highway Authority raise no concerns on traffic issues or highway safety (HDLP Policies IN1-3).

The Essex Car Parking Standards (Para. 2.5.1) state:

For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.

Application of parking standards is clearly not relevant under the car free approach. However for context and comparison the requirement would be at least 500 spaces.

The very limited vehicle parking on site (23 spaces) would ultimately be provided in the lower levels of Block A with direct access from existing public highway in West Gate, and in service access areas. The parking will mainly be for accessibly housing (see 'Housing' above). Planning obligations will require provision of car club spaces for residents (currently expected to be on street in West Gate. Detailed design would need to provide for electric vehicle charging facilities.

As Block A is likely to be in the last development phase, there will be some temporary provision of accessibility only, service, or construction parking on parts of the site awaiting development. This is manageable through planning obligations in relation to the proposed 'Phasing Plan'.

As was originally proposed with previous permissions in the vicinity (Block D), it may be that the developers would offer arrangements for resident use of existing Town Centre car parks. This is not part of this application and cannot be controlled. If it happened, it would have to be viewed as an appropriate transitional arrangement supporting town centre transport behaviour change.

Ground floor internal secure bicycle storage and external visitor bicycle parking is proposed and secured in the proposals, including the Design Code. These facilities are very important in car free apartment development, because cycle storage in individual homes is often impractical.

Road and access design issues relate only to the detailed design of the car parking element of Block A and its entry and egress and West Gate service and waste vehicle access. The submitted reports on vehicle accessibility and plans confirm that parking and on street commercial service and refuse disposal access is suitably catered for. West Gate is adopted public highway (on land owned by HDC). This means that design and stewardship issues would need careful consideration in detailed landscape design and specification (see Planning Obligations and Conditions Sections below).

All significant new residential developments should be designed and managed to support reduced reliance on car transport in ways other than simply reduced parking and cycle storage provision. They are generally assumed to contribute financially to improved public and active transport infrastructure and its promotion via travel planning. These matters are more obvious priorities for a car-free development and would require planning obligations.

This development could be expected to provide for:

- financial contributions to public and active transport improvements in the form of the new Sustainable Transport Corridor (STC) network (HDLP Policies SIR1, IN1, IN6 and HGGT IDP) As an indication; for STC's alone the IDP suggests a need for a per dwelling contribution of approximately £8000 (approximately £4.5m in total for this development). However, for viability reasons, the likelihood of securing any significant contribution to the STC network is very low (see below).
- travel planning commitments secured through the property management arrangements for the building (HDLP Policy IN1 and HHTCMF Guidance Note 2E). The application offers a good package of travel planning measures (see details in Planning Obligations detailed in Appendix 6).

It should be noted that initial planning for the STC network included an indicative town centre bus route via Eastgate / Westgate that directly impinged on the application site (HDLP SIR1). This was taken into account in the existing permission on the site but is no longer relevant because an alternative bus route is now proposed (HTCMF Guidance Note 2D: Public Transport). This frees up the application site for the public realm environmental improvements described below.

Strategic infrastructure (other than transport)

Major residential developments create demands on publicly provided infrastructure other than transport. This issue is particularly important given the cumulative impact of high levels of population growth proposed in HGGT (HLDP Policy SIR1 / HGGT IDP).

The HGGT Infrastructure delivery Plan (IDP) apportions development linked, proportionate, responsibility for strategic infrastructure financial contributions (and in some cases 'in kind' land reservation or property actions). This is done based on the scale and impact of the main HGGT growth locations, with a residual requirement applicable to smaller developments.

However, these requirements are always to be considered in relation to development viability. Also infrastructure requirements are balanced with the ability of the development to provide affordable housing, which is normally the highest priority for planning obligations.

The Council applies a case by case, but consistent, judgement on an appropriate order of priority for planning obligation requirements overall, taking account of viability.

In this case the following non transport infrastructure is relevant (see consultation responses for details):

- public realm enhancement
- local and strategic open space and recreation opportunities
- aspects of education and childcare
- health facilities
- libraries

A priority in this case is public realm enhancement closely related to the site (West Square / East Gate and Stone Cross / Market Square / Broad Walk).

Normally a residential development of this scale would be expected to make very substantial in-kind provision or financial contributions (commensurate with the likely resident demand for new facilities).

In this case, the viability position is such that infrastructure contributions are not achievable unless through a financial review mechanism, which will operate over with the long development period.

Westgate / West Walk environmental improvements

This area is part of the application site. It is a very important public space at the heart of the development. The applicant has prepared a comprehensive, high quality, environmental improvement scheme for hard and soft landscaping of the area. This is detailed as it is within the full part of the application. The design philosophy and detailing accords very well with the HTCMTF guidance for public realm.

Implementation of the improvements is important to the housing development itself as it creates an attractive external environment for residents and includes the area where physical design and management measures will be needed to manage limited servicing access, alongside pedestrian priority. The improvement is also very important to the Council's aspirations for gradual regeneration of the Town Centre as it can interface with wider public realm improvements to the north and west of the site in West Square / Eastgate and wider.

The land involved is owned by the Council and is currently public highway. This means that a practicable plan involving the local authorities is needed for implementation. It is proposed that planning obligations on the developer would create a general framework for this, but with details to be agreed as the development progresses. There is plenty of time for finalisation because the improvements cannot be undertaken until last phase of the development (Block A area – see Phasing Plan).

The preferred final arrangement would involve de-adoption ('stopping up') of the public highway (excluding the Westgate entrance road), and a landowner contract between the Council to the developer to undertake and potentially maintain the improvements.

Maintenance by the developer would be related to their maintenance of the new Boulevard (which is part of their private land). Alternatively, the Council may be able to offer to maintain as part of a coordinated approach to stewardship of the wider Town Centre public realm, but this will depend on agreement of a maintenance commuted sum paid by the developer.

The final position on this cannot be determined at this time.

Sustainability

The applicant has submitted their own assessment of the quality of the scheme in terms of a wide definition of 'sustainability' and related planning policy, using the HGGT Guidance and Checklist.

The checklist assessment summary is:

- Energy and carbon reduction – Potentially above minimum levels of achievement. Carbon emissions reductions of approximately 70% above the 2021 Building Regulations baseline are proposed. This will be achieved by an all-electric strategy and the benefits of decarbonisation of the energy grid and use of heat pumps centrally provided, as well as standard fabric-based energy conservation. The higher performance levels are a commitment that can only be fully secured by planning obligation
- Renewable energy – This is not a feature of the energy strategy (on site).
- Green Infrastructure – High quality, within the limits of an urban redevelopment. The proposals are for substantial soft landscaping / tree planting which offers some biodiversity gains (dependent planning obligations on stewardship)
- Sustainable movement – High quality, based on a car free approach and supporting active and public transport planning for residents and occupiers (albeit there is likely to be limited commitment to measure to support car free living due to viability constraints)
- Water management - Minimum levels likely to be met
- Circular economy – Minimum levels likely to be met
- Waste management – Minimum levels likely to be met
- Socio economic aspects – Minimum levels met, in particular, by commitment to a local construction jobs / training opportunities process (to be secured by planning obligation)

The applicant's assessment is accurate. Some of the outcomes are effectively determined by the specific constraints of the proposal.

However, it is noted that, for some aspects, the applicant suggests that effective assessments and specific proposals are not possible at this stage. A willing applicant can make suitable firm commitments in the form of minimum standards or other requirements in planning obligations (see Appendix 6).

The assessment is notable in the following respects:

- an intensive residential redevelopment in this location performs well in general sustainability terms because it is an effective reuse of scarce land resources. However, the form of development is inevitably intensive in respect of embodied carbon, in construction methods and materials (this matter is not fully captured in the checklist itself);

- building operational energy performance proposals are very positive;
- on travel, the scheme rates very well because the location is very accessible and the proposal encourages car free living, albeit the contribution to infrastructure to support this is minimal;
- significant green infrastructure recreational and associated biodiversity gains are not readily achievable on-site, though appropriate landscaping of a very urban site would be very beneficial (the HTCMTF 'urban forest');

(It is noted that the Natural England / National Trust consultation responses suggest an off-site recreation related financial contribution to their countryside facilities. This would be a form of impact compensation. As with more local green infrastructure investments, this is not available due viability constraints).

Overall the proposal demonstrates some very important sustainability benefits.

Viability

The applicant has submitted a full financial viability report. Their view is that, on normal assessment assumptions the development is not viable.

Urban redevelopment viability is heavily dependent on the assumed existing use value for a site and judgement of an appropriate financial incentive for redevelopment.

In practice some existing use property values will be very low due to changing economic conditions and current property demand, but this cannot be simply or easily assumed and agreed in a theoretical assessment and then factored into a planning decision.

The Council's approach with major applications is always to seek independent specialist viability advice and NPPF (Para. 58) compliant assessment of the applicant's viability case. Bailey Venning Associates Ltd Consultancy prepared a report for the Council on the previous iteration of the application. This is currently being updated to reflect the amended application. The update is most relevant to finalisation of planning obligations, especially the financial reviews (see below). Because the dwelling numbers are reduced in the application amendments and costs are likely to change proportionally, the published report provides sufficient information for the Council's decision.

The main conclusions are:

- the applicant's assessment is generally accepted
- viability of the development is marginal
- the benchmark existing land value assumption is justified
- cost and profit allowances are reasonable; but profit expectations and allowances may need to be lower for the development to proceed
- the assumed lengthy development period and associated financing (borrowing) costs place a particular and very substantial burden on viability. The assumptions are generally accepted, but are noted as cautious in the developers favour. The position could improve substantially if the development takes place faster and sales rates are stronger. Adjustments to the viability position on this basis may be justified
- there is no clear scope for provision of affordable housing or in kind / financial contributions towards infrastructure

The approach taken to viability assessment accords with HGGT and Essex LPA protocols and good practice.

In conclusion the viability of the proposal is accepted as marginal at this time, but could improve somewhat as the development progresses. It is to be expected that a development could proceed on the basis that overall area regeneration and the contribution of this scheme to it will, over time, increase sales or rental values. Also, the viability assessment cannot take account of the developer's approach to risks, their full options for funding or stage by stage investment.

Use of an upward only, development block by block review mechanism, to allow any improvement in the viability position to be reflected in future financial contributions to infrastructure has been accepted in principle by the applicant.

Because of this marginal viability position and the inevitable poor outcomes for infrastructure funding, the Council is required (under the terms of the HGGT IDP joint working protocols) to inform, and consult with, partner local authorities on implications of the application for the IDP funding position. The partner authorities accept the general position on viability of brownfield development in Harlow.

Development stages and phased implementation

The development will be implemented in stages (defined as 'development blocks'), to an agreed 'phasing sequence', over a long time period, possibly by different parties. For the outline part of the application Reserved Matters approvals are likely to relate to these development blocks.

The submitted 'Phasing Plan' showing the constituent development blocks and the order of their development would be essential for effective development management during implementation (Reserved Matters approvals, meeting planning obligations and condition discharges). There are important public interest issues in play, especially:

- planning obligation requirements applied to and secured in relation to triggers on development starts (or where appropriate, occupations) for the development blocks, including financial viability reviews for each block
- an appropriate phasing sequence and priorities for completion of constituent buildings and opening up of new public realm areas (priority for rebuilding the main public street frontages is needed)
- site appearance, temporary / meanwhile uses, Demolition and Construction Management Plans and access arrangements pending full development

There would be inherent uncertainties, but the proposed phasing arrangements are acceptable, particularly in giving priority to development of the street facing perimeter blocks.

The phasing plan is included in recommended planning obligations and conditions. The phasing plan will be a 'default' that can be varied with the Council's agreement if well justified, say by a change in circumstances. For instance, it may be that some development blocks might be combined.

PLANNING OBLIGATIONS

If permission is to be granted planning obligations would be required to secure some of the developer's commitments as follows:

- Framework for implementation by block and phasing
- Financial viability review
- Travel planning
- Public realm improvements
- Stewardship
- Energy performance
- Local economy and employment
- Monitoring fees
- Architectural custodianship

Obligations will set priorities for funding arising from financial reviews. Given the very limited potential it is most appropriate to direct any funding to infrastructure, (rather than affordable housing) in the priority order of:

- i. Town Centre public realm improvements
- ii. Transport contributions (STCs in the vicinity if the Town Centre).

The applicant has agreed suitable 'in principle' Obligation Heads of Terms (set out at Appendix 6), but if permission were to be granted further satisfactory clarification of the details is needed to secure the outcomes. The recommendation allows for a period for this.

PLANNING CONDITIONS

If the permission were to be granted special attention would need to be given to:

- Phasing arrangements for staged reserved matters permissions and related interim implementation arrangements; the development will not be undertaken in one go.
- The need for, and importance of, specific compliance and caveat conditions on approved documents covering urban design matters (especially the Parameter Plans and Design Code) and future reserved matters submission requirements
- Comprehensive demotion / construction management measures are required for intensive development on a constrained site set in a busy urban area

EQUALITIES

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

“(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community” and the duty applies to a local planning authority when determining a planning application.

The application does not give rise to any concerns in respect of these duties.

CONCLUSIONS

The principle of development is clearly acceptable (in terms of both the existing permission and planning policy).

On Town Centre character and appearance, the proposals would dramatically change and revitalise an underused and somewhat 'run-down' part of the Town Centre. General economic, environmental and visual regeneration changes are therefore very positive.

Detailed urban design and residential quality (liveability) issues are dealt with well.

The proposals achieve important policy objectives on transport, environmental improvements and sustainability.

Development viability means that the proposals do not address strategic infrastructure needs or provide affordable housing. This is problematic for cumulative impacts on public infrastructure and the wider development of the Garden Town, but unavoidable.

The evolution of the proposals has resulted in a form of development that can contribute much to the overall regeneration of Harlow Town Centre. It should be permitted.

RECOMMENDATION

That the Committee resolve to GRANT (HYBRID; PART FULL AND PART OUTLINE) PLANNING PERMISSION subject to:

(i) The applicant entering into an appropriately worded **Section 106 Legal Agreement** to secure important matters in relation to:

- Framework for implementation by block and phasing
- Financial viability review
- Travel planning
- Public realm improvements
- Stewardship
- Energy performance
- Local economy and employment
- Monitoring fees
- Architectural custodianship

Details are at Appendix 6. This Appendix forms part of the recommendation.

ii) **Should a S106 Legal Agreement not be completed by the applicant** by 26 January 2023 (3 months from the date of the Planning Committee decision), powers be delegated to the Director of Strategic Growth and Planning to refuse the planning application for the following reasons:

- The transport needs of a development that is intended to encourage and support residents travelling by public transport and walking and cycling are not fully addressed. The proposal is therefore contrary to Policies SIR1, PL1, IN1 and IN6 of the Harlow Local Development Plan (2020).
- The proposal provides no affordable housing to address local needs. The proposal is therefore contrary to Policy H8 of the Harlow Local Development Plan (2020).
- The proposal provides no strategic and local open space and play, childcare, health and libraries infrastructure to meet local needs generated by the development. The proposal is therefore contrary to Policies L1, L4 and IN6 of the Harlow Local Development Plan (2020).

iii) And the following **Conditions**:

Note: A spatial framework for application of these conditions is set out in the approved documents and plans and referenced in planning obligations (and referred to Conditions below). The phasing can be varied by agreement under the terms of the planning obligations. The framework is summarised in the form of the Initial Phasing Plan defining:

- 'development blocks' consisting of subdivisions of the permission site, including buildings and their associated external spaces and;
- a default 'phasing sequence' for the development based on the defined development blocks.

Reserved Matters

1. Reserved Matters submissions

Approval of the details of access, appearance, landscaping, layout and scale (the statutory "Reserved Matters") for the parts of the proposed development not permitted in full shall be obtained from the Local Planning Authority in writing before any development on any relevant development block commences. The development of each development block shall not be carried out except in accordance with the details so approved.

Reason: Parts of the permission are granted in outline only and for these parts matters of detail are reserved and still to be approved. The development will be undertaken in distinct, pre-defined, development blocks to the agreed phasing sequence. Reserved Matters approvals can be achieved, and development undertaken in stages defined by these development blocks, but within all the parameters and terms of overall outline planning permission.

2. Time limits of Reserved Matters

Application for approval of Reserved Matters for the first development block in the phasing sequence shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission. Application for approval of the outstanding reserved matters must be made to the Local Planning Authority no later than eight years following the date of this outline permission, unless otherwise agreed in writing by the Local Planning Authority. The outline planning permission as it applies to any development block that has not been subject to a reserved matters application by that date will be regarded as lapsed and a new planning permission will be required.

Reason: To manage the process for Reserved Matters approval over a long period and in order to comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Timing of implementation

Implementation of planning permission for any development block, following grant of permission for of all the Reserved Matters for that development block shall commence before the expiration of three years from the date of the grant of the reserved matters permission.

Reason: To manage the implementation of development over a long period and in order to comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

4. Approved documents and plans

The development hereby permitted shall be carried out in accordance with the approved documents and plans listed below:

Documents:

Development Specification (V3, dated August 2022)
Design Code (dated August 2022)
Flood Risk Assessment & Outline Drainage Strategy (dated August 2022)
Transport Assessment (dated August 2022)
Arboricultural Survey and Method Statement (dated April 2021)
Energy and Sustainability Statement (dated August 2022)
Design and Access Statement (dated August 2022)
Initial Phasing Plan showing 'Development Blocks'
Fire Statement and Outline Fire Strategy

Drawings (all August 2022 submissions and related amendments):

HTC-FLA -A -XX -DR -A-05400 A – Sections
HTC-FLA -A -XX -DR -A-05510 A - Elevations North South
HTC-FLA -A -XX -DR -A-0551 A - Elevations East West
HTC-FLA -A -XX -DR -A-05600 A - Bay study
HTC-FLA -A -XX -DR -A-05601 A - Bay study 02
HTC-FLA -C1 -XX -DR -A-05410 C1 – Sections
HTC-FLA -C1 -XX -DR -A-05520 C1 - Elevations North South
HTC-FLA -C1 -XX -DR -A-05521 C1 - Elevations East West
HTC-FLA -C1 -XX -DR -A-05610 C1 - Bay study
HTC-FLA -C1 -XX -DR -A-05611 C1 - Bay Study 02
HTC-FLA -ZZ -00 -DR -A-05300 Ground Floor Plan For Building A and C1
HTC-FLA -ZZ -0A -DR -A-05300A Level 0A Plan For Building A and C1
HTC-FLA -ZZ -01 -DR -A—05009 Allowable Land use Frontage at First Floor
HTC-FLA -ZZ -01 -DR -A-05301 Level 01 Plan For Building A and C1
HTC-FLA -ZZ -02 -DR -A-05302 Level 02 Plan For Building A and C1
HTC-FLA -ZZ -03 -DR -A-05303 Level 03 Plan For Building A and C1
HTC-FLA -ZZ -04 -DR -A-05304 Level 04 Plan For Building A and C1
HTC-FLA -ZZ -05 -DR -A-05305 Level 05 Plan For Building A and C1
HTC-FLA -ZZ -06 -DR -A-05306 Level 06 Plan For Building A and C1
HTC-FLA -ZZ -07 -DR -A-05307 Level 07 Plan For Building A and C1
HTC-FLA -ZZ -08 -DR -A-05308 Level 08 Plan For Building A and C1
HTC-FLA -ZZ -09 -DR -A-05309 Level 09 Plan For Building A and C1
HTC-FLA -ZZ -10 -DR -A-05310 Level 10 Plan For Building A and C1
HTC-FLA -ZZ -11 -DR -A-05311 Level 11 Plan For Building A and C1
HTC-FLA -ZZ -12 -DR -A-05312 Level 12 Plan For Building A and C1
HTC-FLA -ZZ -13 -DR -A-05313 Level 13 Plan For Building A and C1
HTC-FLA -ZZ -14 -DR -A-05314 Level 14 Plan For Building A and C1
HTC-FLA -ZZ -15 -DR -A-05315 Level 15 Plan For Building A and C1
HTC-FLA -ZZ -16 -DR -A-05316 Level 16 Plan For Building A and C1
HTC-FLA -ZZ -17 -ZZ -A-05317 Level 17 Plan For Building A and C1
HTC-FLA-ZZ-XX-DR-A-05200 Existing Site Sections A-A B-B
HTC-FLA-ZZ-XX-DR-A-05201 Existing Site Sections C-C D-D
HTC-FLA-ZZ-XX-DR-A-05202 Existing Site Sections E-E F-F
HTC-FLA-ZZ-XX-DR-A-05203 Existing Site Sections G-G H-H
HTC-FLA-ZZ-XX-DR-A-05204 Existing Site Sections J-J K-K
HTC-FLA-ZZ-XX-DR-A-05205 Existing Site Sections L-L M-M
HTC-FLA-ZZ-XX-DR-A-05206 Existing Site Sections N-N
HTC-FLA -ZZ -XX -DR -A-05210 Demolition Existing Ground Floor

HTC-FLA-ZZ-XX-DR-A-05211 Demolition Existing Site Sections A-A B-B
HTC-FLA-ZZ-XX-DR-A-05212 Demolition Existing Site Section C-C D-D
HTC-FLA-ZZ-XX-DR-A-05214 Demolition Existing Site Section G-G H-H
HTC-FLA-ZZ-XX-DR-A-05215 Demolition Existing Site Section J-J K-K
HTC-FLA-ZZ-XX-DR-A-05216 Demolition Existing Site Sections L-L M-M
HTC-FLA-ZZ-XX-DR-A-05217 Demolition Existing Site Section N-N
HTC-FLA -ZZ -XX -DR -A-05500 Elevations East West
HTC-FLA -ZZ -XX -DR -A-05501 Elevations North South
HTC-FLA -ZZ -ZZ -DR -A-05001 Site Location Plan
HTC-FLA -ZZ -ZZ -DR -A-05002 Existing Site Plan
HTC-FLA-ZZ-00-DR-A-05003 Proposed Ground Floor Plot Maxima
HTC-FLA -ZZ -ZZ -DR -A-05004 Proposed Upper Floors Plot Maxima
HTC-FLA-ZZ-00-DR-A-05005 Proposed Ground Levels and Podium
HTC-FLA -ZZ -ZZ -DR -A-05006 Public Realm Plan
HTC-FLA -ZZ -ZZ -DR -A-05007 Principle Access and Circulation
HTC-FLA-ZZ-00-DR-A-05008 Allowable Land Use Frontage at Ground Floor
HTC-FLA -ZZ -ZZ -DR -A-05010 Allowable Land use Frontage at Upper Floors
HTC-FLA -ZZ -ZZ -DR -A-05012 Proposed Maximum Building Heights
HTC-FLA -ZZ -ZZ -DR -A-05013 Proposed Roof Plan Parameters
HTC-FLA -ZZ -ZZ -DR -A-05014 Plot boundary for Detailed application
5084-L-015 Public Realm Plan for Detailed Element
5084-L-016 Proposed Site Plan for Detailed Element of Application
5084-L-101 Illustrative Landscape for Block A
5084-L-102 General Arrangement - Block A
5084-L-103 Planting Plan - Block A
5084-L-110 Landscape Sections - Block
5084-L-120 Illustrative Landscape for Block C1
5084-L-121 General Arrangement - Block C1 Ground Floor
5084-L-122 General Arrangement - Block C1 Roof Plan
5084-L-123 Planting Plan - Block C1 Ground Floor
5084-L-124 Planting Plan - Block C1 Roof Plan
15084-L-130 Landscape Sections - Block C1 Ground Floor
5084-L-131 Landscape Sections - Block C1 Roof Plan
5084-L-200 Illustrative Public Realm for Detail Element
5084-L-201 General Arrangement for Public Realm Submitted in Detail
5084-L-202 General Arrangement - Public Realm Detail Plan 1
5084-L-203 General Arrangement - Public Realm Detail Plan 2
5084-L-204 Planting Plan - Public Realm Detail Plan 1
5084-L-205 Planting Plan - Public Realm Detail Plan 2
5084-L-210 Landscape Sections - Public Realm - Sheet 1
5084-L-211 Landscape Sections - Public Realm - Sheet 2
5084-L-711 Soft Landscape Details Sheet 1
5084-L-721 Sample Detailed Planting Plan 1
5084-L-722 Sample Detailed Planting Plan 2
5084-L-801 Hard Landscape Paving Vocabulary - Sheet 1
5084-L-802 Hard Landscape Paving Vocabulary - Sheet 2
5084-L-803 Hard Landscape Paving Vocabulary - Sheet 3
5084-L-805 Hard Landscape Materials Vocabulary - Sheet 1
5084-L-806 Hard Landscape Materials Vocabulary - Sheet 2
5084-L-807 Hard Landscape Materials Vocabulary - Sheet 3
5084-L-808 Hard Landscape Materials Vocabulary - Sheet 4
5084-L-810 Tree Schedule
5084-L-811 Planting Schedule - Block A Level 1
5084-L-812 Planting Schedule - Block A & C1 Level 8
5084-L-813 Planting Schedule - Block A & C1 Residential Gardens

Reason: For the avoidance of doubt in describing the permitted development and in the interests of its proper planning.

Prior to Commencement

5. Phasing and temporary uses

The development shall be implemented in accordance with the approved final 'phasing sequence' set out in the approved initial phasing plan (and as subject to the planning agreement for the permission), unless a revision is subsequently submitted to and approved in writing by the Local Planning Authority under the planning agreement. No development of any development block shall commence (not including any works of demolition) until a supplementary document specifying, and providing a programme for, any temporary uses proposed pending development on all remaining parts of the site. No part of the site shall be used temporarily for vehicle parking, other than for construction related vehicles or accessible housing car parking related to the development under this permission.

Reason: To ensure an orderly sequence of development that minimises environmental and commercial impacts on areas adjoining the development site.

6. Contamination risk

No development on any development block shall take place until a full investigation and remediation strategy to deal with the risks associated with the contamination of land, air and water for that development block has been submitted to and approved by the Local Planning Authority (Submissions can also be by development block, grouped development blocks, or for the whole site). This Strategy shall include the following components:

- a site investigation scheme, based on the preliminary risk assessment/desk studies to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- results of the site investigation and the detailed risk assessment referred to above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken.
- a verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any ongoing remediation measures shall thereafter be implemented in complete accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of land, air or water pollution in accordance with Policy PL10 of the Harlow Local Development Plan (2020).

7. Surface Water Drainage

No development except demolition shall take place until a detailed surface water drainage scheme for the whole site, based on the submitted and approved drainage strategy, sustainable drainage principles and a full assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Lead Local Flood Authority and utility providers). The scheme should include, but not be limited to, detailed engineering drawings of each component of the drainage scheme, a drainage phasing plan and a comprehensive maintenance and renewal plan.

Reason: To prevent flooding by ensuring the satisfactory storage / disposal of surface water from the site, to ensure the effective operation of sustainable drainage features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with Policy PL11 of the Harlow Local Development Plan (2020). Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

8. Demolition Management

For each development block (or combination of development blocks agreed in writing with the Local Planning Authority), no development in the specified development block(s), including site clearance, demolition or any other works, shall take place until a Demolition Management Plan (DMP) for the specified development block(s) has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The plan shall address, and provide for, the following:

- Demolition vehicle numbers, type and routing
- Management of traffic to minimise congestion
- Safe vehicular access to the site
- Control of dust and dirt in the public highway; including wheel and underbody washing facilities
- Cleaning of site entrances, site tracks and the adjacent public highway
- Loading and unloading of machinery materials
- Demolition travel planning to include site operatives and other on-site personnel, including any arrangements for parking or vehicles of operatives and visitors
- Details of hoarding
- Demolition and storage compounds (including areas designated for machinery, materials, parking, loading/unloading and turning areas)
- Working hours compatible with the limits set by condition
- Timing of any particularly noise or disruptive demolition activities (including delivery times and removal of waste) to avoid peak traffic where possible, particularly at school pick up /drop off times.
- Where demolition works cannot be contained wholly within the site, plans showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements
- Measures to be taken to seek approval from the highway authority that the highway extent has been marked out accurately prior to demolition
- Details of any temporary highway works necessary to enable demolition to take place
- Post demolition restoration/reinstatement of the working areas and any temporary access to the public highway;
- Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.

- Measures to demonstrate how noise will be mitigated during the permitted working hours of the demolition and construction process
- Measures to demonstrate how dust production during the demolition and construction process is kept to a minimum
- Control of dust and smoke clouds for Stanstead Airport flight safety (because dust and smoke are hazardous to aircraft engines and dust and smoke clouds can present a visual hazard to pilots and air traffic controllers).
- Site waste management plan covering minimisation and recycling
- Surface water management plan for control of run off during demolition
- Details of consultation and complaint management with neighbours (residents and businesses) including contact details

The approved DMP shall be adhered to throughout the demolition period.

Reason: To ensure that careful management of demolition activities, in accordance with Policies PL2, PL10 and IN2 of the Harlow Local Development Plan (2020) and the Local Highway Authority's Development Management Policies. The details are required to be approved before works commence to ensure the adverse impacts of the demolition are minimised, appropriately controlled and generally acceptable.

9. Construction Management

For each development block (or combination of development blocks agreed in writing with the Local Planning Authority), no construction works in the specified development block(s), including below ground works, shall take place until a Construction Management Plan (CMP) for the specified development block(s) has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The plan shall address, and provide for, the following:

- Construction vehicle numbers, type, routing
- Management of traffic to minimise congestion
- Safe vehicular access to the site
- Control of dust and dirt on the public highway; including wheel and underbody washing facilities
- Cleaning of site entrances, site tracks and the adjacent public highway
- Loading and unloading of plant and materials
- Construction travel planning to include site operatives and other on-site personnel, including any arrangements for parking of vehicles of operatives and visitors
- Details of hoarding
- Construction and storage compounds (including areas designated for plant and materials, parking, loading / unloading and turning areas)
- Working hours compatible with the limits set by condition
- Timing of any particular noisy or disruptive construction activities (including delivery times and removal of waste to avoid peak traffic where possible, particularly at school pick up/drop off times)
- Where construction works cannot be contained wholly within the site, plans showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements
- Measures to be taken to seek approval from the highway authority that the highway extent has been marked out accurately prior to construction
- Details of any temporary highway works necessary to enable construction to take place
- Post construction restoration/reinstatement of the working areas and any temporary access to the public highway;

- Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- Measures to demonstrate how noise will be mitigated during the permitted working hours of the demolition and construction process
- Measures to demonstrate how dust production during the demolition and construction process is kept to a minimum
- Control of bird roosting or presence and dust and smoke clouds for Stanstead Airport flight safety (because birds, dust and smoke are hazardous to aircraft engines and dust and smoke clouds can present a visual hazard to pilots and air traffic controllers).
- Details of any proposed piling operations, including a Foundation and Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure), a vibration impact assessment and proposed control and mitigation measures
- Site waste management plan covering minimisation and recycling
- Surface water management plan for control of run off during construction
- Details of consultation and complaint management with neighbours (residents and businesses) including contact details.

The approved CMP shall be adhered to throughout the construction period.

Reason: To ensure that careful management of construction activities, in accordance with Policies PL2, PL10 and IN2 of the Harlow Local Development Plan (2020) and the Local Highway Authority's Development Management Policies. The details are required to be approved before works commence to ensure the adverse impacts of the construction are minimised, appropriately controlled and generally acceptable.

Details under condition discharges or to accompany reserved matters submissions

10. Fire safety

All details of the development must be in accordance with the design principles established to achieve compliance with fire relevant safety requirements detailed in the relevant submitted and approved document (including as updated in relation any subsequent regulations). To demonstrate this a final Fire Statement prepared by a suitably qualified independent assessor must be provided for each development block, either in discharge of this condition or as part of Reserved Matters submissions. The Fire Statement shall detail the building(s) construction, methods, products and materials to be used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building(s). The development shall be carried out in accordance with the approved details.

Reason: In order to provide a development that minimises fire risks and hazards in accordance with Policies PL1, and PL2 of the Harlow Local Development Plan (2020).

11. Full wind microclimate assessment and mitigation

Reserved Matters submissions for each development block in the outline permission area must include an updated wind microclimate assessment and provide details of any wind mitigation measures required. The details shall have regard to the conclusions of the approved initial assessment studies.

Where the initial studies indicate a need for mitigation, simulation modelling assessment of proposed details must be provided.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the final building design achieves an acceptable wind microclimate in and around the site, with particular reference to any mitigation required to achieve a comfortable pedestrian environment, in accordance with Policies PL1, and PL2 of the Harlow Local Development Plan (2020).

12. Full daylight, sunlight and overshadowing assessment and mitigation

Reserved Matters submissions must include a detailed daylight, sunlight and overshadowing assessment of impacts on the internal and external spaces of proposed residential spaces and amenity spaces within the development, The assessment shall have regard to the conclusions of the initial assessment studies. The development shall be carried out in accordance with the approved details.

Reason: To ensure the final building design achieves natural light and overshadowing conditions in and around the site that are appropriate to the specific uses and locations affected in accordance with Policies PL1, and PL2 of the Harlow Local Development Plan (2020).

Prior to above ground

13. Levels

For each development block, no development above ground level shall take place until full details of existing and finished site levels, finished floor and ridge levels of the buildings to be erected and finished external surface levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

Reason: The details of proposed levels of the development are required for clarity, in the interests of ensuring the development is implemented in accordance with the permission and to the approved design and in particular to ensure that the development hereby permitted respects the height of adjacent properties. This is in accordance with Policies PL1 and PL2 of the Harlow Local Development Plan (2020).

14. Full building external design details and materials

Prior to commencement of above ground works (excluding demolition and enabling works) of each development block, design details and a schedule of materials and products of all external facing materials to be used in the construction must be submitted to and approved in writing by the Local Planning Authority.

Any doors and windows approved as obscure glazed shall be so glazed permanently. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

For the avoidance of doubt this condition applies to both the Full and Outline / Reserved Matters parts of the permission.

The details may be agreed as having been provided and approved in full or part in reserved matters applications or provided entirely in submissions and approvals in relation to discharge of this condition.

The relevant development block shall not be occupied or used until it has been completed in accordance with the approved details. The development shall thereafter be retained and maintained in the form approved.

Detailed drawings provided must include:

- Principal features on the facades as bay studies (1:50)
- Details of each envelope / roof type (1:20)
- Details of glazing (including any essential obscure glazing) and curtain walling systems including any manifestation (1:20)
- Key junctions/bonds between materials/finishes (1:20)
- Ground floor frontages including entrances, glazing and signage zones, infill panels on plant rooms/bike stores etc, shopfronts or commercial/workspace frontages (1:50)
- Parapets, roof edges, rooftop plant screening, lift over runs etc (1:20)
- Elevational location of all joints eg structural, movement, panels (1:100)
- Elevational location of all openings in envelope eg ventilation grilles (1:100)
- Elevational location of all items which are fixed to the façade eg fins/louvres, rainwater pipes, lighting, CCTV, alarms including any provision for cable runs boxes (1:100)
- Head, jamb and sill details, including profiles, for typical openings and all ground floor entrances and doors to balconies / terraces (1:20)
- Details of key architectural metalwork / screens / gates (1:20)
- Details of balconies and terraces including floor and floor underside finishes (1:20)
- Balustrade details (1:20)
- Details of soffits and canopies (1:20)
- Details of external stairs (1:50)
- Junctions with neighbouring buildings (1:20)
- External signage details including elevations and sections (1:50)
- Any other items not listed but bespoke to building requirements

Details of materials and products must include:

- Façade and roof cladding materials
- Window / door types (including finishes, glass types and any manifestation)
- Curtain wall (including finishes, glass types and any manifestation)
- Facing metalwork (e.g. balustrades, service doors, screens, gates)
- All items which are fixed / integrated to the façade (eg fins/louvres, vent grilles, rainwater pipes, signage)
- Soffit and canopy materials
- Balcony and terrace floor and underside finishes
- Any other materials not listed but bespoke to building requirements

Samples of the above materials must be available for approval on request of the Local Planning Authority.

Access to full-size mock-ups of facades and architectural detailing of key parts of the buildings must be provided on request, to a coverage and at a size to be agreed in writing with the Local Planning Authority as part of the condition discharge submission. Appropriate documents, drawings and photographic records of the final approved configuration should be provided as part of the condition discharge process.

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no reflective materials other than clear or obscure glass, including solar PV panels, shall be proposed or added to the building without the written consent of the Local Planning Authority. A Glint and Glare assessment may be necessary if solar PV is used.

Reason: To allow for practical, phased, preparation and approval of all design details, but ensure the satisfactory final appearance of the development the interests of visual amenity (and for Flight safety - to prevent any ocular hazard and distraction from reflective materials to pilots using Stanstead Airport). To secure that materials are appropriate in their design context, resulting in the satisfactory appearance of the development in accordance with Policies PL1 and PL2 of the Harlow Local Development Plan (2020).

15. Hard and soft landscape works, earthworks and street furniture.

Prior to commencement of above ground works (excluding demolition and enabling works) in each development block, a fully detailed scheme of landscaping, which shall include details of both hard and soft landscape works, earthworks and street furniture must be submitted to, and approved in writing by, the Local Planning Authority.

For the avoidance of doubt this condition applies to both the Full and Outline / Reserved Matters parts of the permission.

This scheme may be agreed as having been provided in full or part in Reserved Matters submissions, or provided entirely in submissions and approvals in relation to discharge of this condition.

The relevant development block shall not be occupied or used until it has been completed in accordance with the approved details. The development shall thereafter be retained and maintained in the form approved.

Specifications and details and must include:

- hard landscaping materials
- planting
- tree species, with height, girth, stem, root system; shrubs species, with pot size, height/spread and tree pit designs; hedge formation noted; plant, seed or turf specifications; furniture and equipment
- planting establishment and longer-term aftercare plan
- roof top gardens and amenity spaces and any recreational and play equipment therein
- street furniture and equipment including signage and visitor cycle parking

The specifications and details should show how they will maximise biodiversity benefits.

Reason: To allow for practical, phased, preparation and approval of landscaping details, but secure satisfactory final landscape treatment of the site in the interests of visual amenity and biodiversity and in accordance with Policies PL1, PL2, PL7 and PL8 of the Harlow Local Development Plan (2020).

16. Exterior lighting

Prior to commencement of above ground works (excluding demolition and enabling works) of each development block, a lighting design, installation and management plan for all exterior lighting installations for that development block must be submitted to, and approved in writing by, the Local Planning Authority.

The plan shall include demonstration that all exterior lighting will be permanently capped at the horizontal with no upward light spill and no lighting directly beneath any roof lights that will emit light upwards. Only downward facing ambient lighting is to spill from the roof lights upwards and if necessary automatic blinds are to be fitted that close at dusk. These requirements must be assessed and applied in the interests of flight safety, to prevent distraction and confusion to pilots using Stansted Airport.

The development shall be carried out in accordance with the approved details.

Reason: To allow for practical, phased, preparation and approval of exterior lighting details and to secure satisfactory exterior lighting in accordance with Policies PL1, PL2, PL10 of the Harlow Local Development Plan (2020).

17. Construction working hours

No construction works or any other associated works, including any machinery operations, in connection with the development shall take place outside the hours of 0700-1800 on weekdays and 0800-1300 on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: In the interests of the amenity of adjoining or nearby property occupiers, in accordance with Policies PL2 and PL10 of the Harlow Local Development Plan (2020).

Prior to occupation

18. Commercial uses ventilation / extraction

Prior to occupation of any unit for Use Class E(b) (Restaurants and Cafes) and Sui Generis (Drinking Establishments) purposes details of siting, design, and technical specification of any fume extraction and ventilation systems required to serve the units must be provided and thereby verify the acceptability of the proposed specific use within the Use Class.

Reason: In the interests of the amenity of adjoining or nearby property occupiers, in accordance with Policies PL2 and PL10 of the Harlow Local Development Plan (2020).

19. Contamination verification

Prior to occupation of each relevant development block or other defined section of the site, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. Any identified ongoing remediation measures shall thereafter be implemented in complete accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of land, air or water pollution in accordance with Policy PL10 of the Harlow Local Development Plan (2020).

20. Landscape and street furniture installation, management and maintenance

All hard and soft landscape works, street furniture and street or external lighting, as specified through Condition 20. must be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant British Standards. The works shall be carried out prior to the occupation of any part of the relevant phase of

the development unless otherwise agreed in writing with the Local Planning Authority. Any parts of the approved scheme that in the opinion of the Local Planning Authority become damaged or defective within a period of five years after installation or planting, shall be replaced as soon as is reasonably practicable in the form originally approved, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape and in accordance with Policies PL1, PL2, PL7 and PL8 of the Harlow Local Development Plan (2020).

21. Hard Surfacing of access and movement areas

Prior to the first occupation of each development block, the access roads, all hard surfaced access areas and turning areas for that development block, as indicated on the approved plans, shall be provided, equipped, and, as relevant, hard surfaced, sealed and marked out. The pavement, access, parking and turning areas shall be retained in for the life of the development for their intended purpose.

Reason: To ensure that appropriate access, parking and turning is permanently provided in accordance with Policies PL1, PL2 and IN2 of the Harlow Local Development Plan (2020).

22. Cycle storage and parking

Prior to the first occupation of each development block, the cycle storage and parking facilities shall be permanently provided in accordance with Essex Parking Standards as adopted at the time of this permission being granted, and shall be safe, secure and covered.

Reason: To ensure that appropriate cycle parking is permanently provided in accordance with Policies PL1, PL2 and IN2 of the Harlow Local Development Plan (2020).

23. Water conservation

No occupation of any development block shall take place unless the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations has been provided for (by design specification and installation of equipment and control measures). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Application or Notice, to enable the building control body to check compliance.

Reason: To ensure that the new dwellings minimise impact on the water environment, in accordance with Policy PL11 of the Harlow Local Development Plan (2020).

24. Occupier servicing, deliveries and refuse collection

Prior to the first occupation of any development block, the details of the final Delivery and Servicing Plan and Car Parking Management Plan for that block shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The final plans must generally accord with the submitted draft Delivery and Servicing Plan and with planning obligation requirements for long term stewardship of the whole site. The scheme must include arrangements for restricted and managed vehicular access. No part of the relevant development block shall be occupied until the scheme is appropriately implemented / operational to the written satisfaction of the Local Planning Authority.

Reason: To allow practical stage by stage preparation and approval of relevant details and ensure adequate facilities and management are in place to protect the amenity of the general public, future occupiers and adjoining occupiers, in accordance with Policy PL1 and PL2 of the Harlow Local Development Plan.

25. Refuse management

Prior to occupation of any development block, final details of general and recyclable waste storage and collection arrangements for residential and non-residential uses shall be submitted to and approved in writing by the Local Planning Authority. No part of the development in that development block shall be occupied until the waste storage facilities have been provided as approved.

Reason: To allow practical stage by stage preparation and approval of relevant details and ensure adequate facilities and management are in place to protect the amenity of the general public, future occupiers and adjoining occupiers, in accordance with Policy PL1 and PL2 of the Harlow Local Development Plan.

26. **Ground Floor Use**

Prior to occupation of any development block, a Community Access Plan identifying the times and costs of hiring the ground floor of each development block by Harlow residents shall be submitted to and approved in writing by the Local Planning Authority. The development of that block shall thereafter be implemented in complete accordance with the approved details.

Reason: To allow access and activity at ground floor in accordance with Policy PL1 of the Harlow Local Development Plan.

On-going Compliance

27. **Design Code compliance**

Applications for approval of Reserved Matters shall be in accordance with the Design Code as approved, or, if subsequently agreed in writing by the Local Planning Authority, as amended.

Reason: For the avoidance of doubt in describing the permitted development and in the interests of its proper planning.

28. **Commercial uses parameters**

The commercial uses (Class E and permitted Sui Generis) within the permitted building ground floor levels shall provide a maximum total across the whole Planning Permission site of 3,000 sq m (gross external area) and a minimum total across the whole Planning Permission site of 2,500 sq m (gross external area). The Reserved Matters submissions must optimise the active ground frontage and floorspace for commercial uses on the building frontages to main thoroughfares and indicate how the total provision can be achieved across the whole site in accordance with the approved Design Code.

Reason: to control the form of the commercial floorspace in accordance with the permission granted in accordance with Policies PL1, RS2, RS3, PR5 and PR6 and of the Harlow Local Development Plan (2020).

29. **Residential use parameters**

The residential (Class C3) accommodation hereby permitted shall not exceed 578 units overall and a maximum floorspace of 49,779sq m (gross external area) (excluding ground floor ancillary areas for entrance and communal amenity and ancillary back of house areas) and be confined to above ground floor levels.

In accordance with the approved Design Code the Reserved Matters submissions for the ground floor ancillary foyer and amenity residential floorspace permitted:

- must only be used for ancillary purposes and shall not be converted to additional dwellings

- must be designed with frontages that maximise active uses, provide full height windows and minimise the environmental and visual impact of service and plant requirements on the main thoroughfares (proposed Boulevard and Eastgate).

Reason: to control the number and scale of residential uses and the form of the ancillary residential floorspace in accordance with the permission granted (including Design Code) and Policies PL1, RS2, RS3, PR5 and PR6 and of the Harlow Local Development Plan (2020).

30. Minimum Space Standards

All residential units shall be designed to comply with the Technical Housing Standards – Nationally Described Space Standard.

Reason: to control the quality of residential accommodation in accordance with the permission granted (including Design Code) and Policies PL1, and PL2 of the Harlow Local Development Plan (2020).

31. Residential mix

The residential accommodation across the site shall be in accordance with the following mix ranges, unless otherwise agreed in writing with the Local Planning Authority:

Studio: 5-15%
 1-Bed: 35-45%
 2-Bed: 35-45%
 3-Bed: 5-15%

Reason: to control the residential mix in accordance with the permission granted in accordance with the permission granted (including Design Code) and Policies PL1, and PL2 of the Harlow Local Development Plan (2020).

32. Accessible and adaptable housing

A minimum of 10% of the dwellings in any development block shall comply with Building Regulations Optional Requirement Approved Document M4(3) Category 3: Accessible and adaptable Wheelchair User dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Application or Notice, to enable the building control body to check compliance.

Reason: To ensure that accessible housing is provided in accordance with Policy H5 of the Harlow Local Development Plan (2020).

33. Surface Water Drainage Logs

The applicant or any successor in title must maintain yearly logs of maintenance for all the drainage features of the scheme, to verify that maintenance has been carried out in accordance with the approved maintenance and renewal plan. The logs must be available for inspection upon a request by the Local Planning Authority (in consultation with the Lead Local Flood Authority and utility providers).

Reason: To ensure the approved drainage features are maintained for the lifetime of the development, so that they continue to function as intended to ensure mitigation against flood risk, in accordance with Policy PL11 of the Harlow Local Development Plan (2020).

34. Arboricultural procedures and tree protection

The proposed development permitted in full shall be completed in full accordance with the approved arboricultural details provided within the approved Arboricultural Survey and Method Statement. Any alterations must be prior approved by the Local Planning Authority in writing.

Reason: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and in accordance with Policy NE11 of the Local Development Plan

35. Super-fast broadband

The development shall be provided with superfast broadband capability, subject only to satisfactory infrastructure availability within Harlow Town Centre.

Reason: In order to provide high quality communications infrastructure for future occupiers in accordance with in accordance with Policies PL1, PL2 and IN4 of the Harlow Local Development Plan (2020).

36. Electronic communications Equipment, Aerials and Satellite Dishes

No external equipment of this kind may be installed on the exterior of the development hereby approved, with the exception of a roof features providing a communal system only for residents / occupiers (available to all).

Reason: To ensure a satisfactory external appearance in accordance with Policies PL1, and PL2 of the Harlow Local Development Plan (2020).

37. Airport safeguarding – birdstrike risk

During construction and for the lifetime of the development, robust measures to be taken to prevent birds being attracted to the site. The roofs should be regularly inspected to prevent roosts establishing.

Reason: To prevent any increase in the number of hazardous birds that would increase the risk of a birdstrike to aircraft using Stansted Airport.

Informative Clauses

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Essex County Council as Highway Authority:
 - I) The permission site includes, and the proposal requires construction works in, an area currently designated as Public Highway. For implementation of the permission affecting parts of the site to be retained as Public Highway, the developer will be required to enter into a Highways Act Section 278 Agreement with the highway Authority governing works undertaken by a private party on the Highway.
 - II) Any trees, structures and non-standard materials proposed within the existing extent of the Public Highway or areas to be offered to the Highway Authority for adoption as Public Highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction; with all costs and details being agreed with the Highway Authority.
 - III) If any highway requires Stopping Up then the proposed use shall not be commenced and subject land shall not be enclosed from the Highway until such time as an order has been confirmed extinguishing all highway rights therefrom to protect the public's right and ease of passage over the Highway. The applicant should establish title to the land or cooperate with the owner.

- IV) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at or by post to: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
- V) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required. This will be a matter for the Highways Act Section 278 agreement.

3. ECC Lead Local Flood Authority (LLFA):

The LLFA has a duty to maintain a register and record of physical assets that contribute significantly to management of local flooding risks. In order to capture relevant information which may form part of the future register a copy of information about features created as part of the development with a Geographical Information System layer file should be provided to the LLFA (see Conditions 5/6 above)

4. Thames Water (TW) utilities drainage:

Foul water network upgrades / reinforcement works are required to accommodate the full development. A development and infrastructure phasing plan should be agreed with TW to allow development to be fully occupied. Any works will be necessary to avoid sewage flooding and or potential pollution incidents.

Notwithstanding the condition on surface water drainage, should the developer propose to discharge surface water to a public sewer, prior approval from TW (Developer Services) is required.

There are public sewers crossing or close to the proposed development. Development is located within 15 m of a strategic sewer. The TW Guide on works near to or affecting sewers should be consulted and followed. The planning conditions require construction protection measures. Risks of groundwater related discharges entering sewers should be managed. A groundwater risk management permit may be required.

5. Essex Police

Essex Police wish to provide advice on measures that can be taken in detailed design of the development in order to achieve Secure By Design standards that will reduce potential for crime. Subject to the outcome of consultation, it will be expected that the principles set out in the approved documents and drawings will be complied with in Reserved Matters submissions.

6. Stanstead Airport Safeguarding

The applicant's attention is drawn to the new procedures for crane and tall equipment notifications at <https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/>